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ECTION

ARCHIVES OF MARYLAND

PROCEEDINGS

OF THE

COUNCIL OF MARYLAND

1698–1731

PUBLISHED BY AUTHORITY OF THE STATE, UNDER THE DIRECTION
OF THE MARYLAND HISTORICAL SOCIETY

WILLIAM HAND BROWNE
Editor

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ROOMS OF THE MARYLAND HISTORICAL SOCIETY,

BALTIMORE, *March* 1, 1905.

To the Maryland Historical Society:

GENTLEMEN:

We have the honor to submit the Twenty-fifth Volume of the Maryland Archives, being the Proceedings of the Council of Maryland (so far as they have been preserved) from September 7, 1698 to December 7, 1731.

Respectfully,

CLAYTON C. HALL,
HENRY STOCKBRIDGE, JR.,
BERNARD C. STEINER,
Committee.

134717

ARCHIVES OF MARYLAND.

The following volumes have been published:

I.

PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY, 1637/8–1664, 1883

II.

PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY, 1666–1676, - 1884

III.

PROCEEDINGS OF THE COUNCIL, 1636–1667, - - - - - - - - 1885

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JOURNAL OF THE MARYLAND CONVENTION, JULY 26–AUG. 14, 1775 JOURNAL AND CORRESPONDENCE OF THE COUNCIL OF SAFETY, AUG. 29, 1775–JULY 6, 1776 } 1892

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XVIII.

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XIX.

PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY OF MARYLAND, SEPTEMBER, 1693–JUNE, 1697, - - - - - - - - - - - - 1899

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JOURNAL AND CORRESPONDENCE OF THE COUNCIL OF MARYLAND, APRIL 1, 1778–OCTOBER 26, 1779, - - - - - - - - - - - 1901

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PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY OF MARYLAND, APRIL 26, 1700–MAY 3, 1704, - - - - - - - - - - - - 1904

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PROCEEDINGS OF THE COUNCIL, 1698–1731, - - - - - - - - 1905

PREFACE.

The two most disastrous gaps in our long series of Archives occur in the period covered by this volume. For the years from Sept. 1708 to Oct. 1714, and from Dec. 1715 to Aug. 1721, the Council records, both original and copies, are missing, and diligent search, both here and in London, has failed to discover them. It is to be feared that during the long period when the ancient archives of the Province and State were mouldering in cellars or thrown into waste-paper bins, these volumes have been destroyed with many other important documents. Some condensed records of the years 1715–1716 have been found among the Calvert Papers, and are inserted under their proper dates.

To make some amends for these deficiencies, we have inserted a collection of interesting papers bearing on affairs in Maryland in the years 1697–1714, discovered in the Public Record Office, London, by Henry F. Thompson, Esq. Particularly interesting are the census lists (pp. 255–259) furnished by several Governors to the Board of Trade.

Hubert Hall, Esq., F. S. A., of the Public Record Office, London—who has always shown a warm interest in our researches, and to whom we are indebted for very valuable assistance—called our attention to the Bridgewater collection of manuscripts, now belonging to the Earl of Ellesmere and preserved at the Bridgewater Estate Offices, Manchester. The Duke of Bridgewater was for a long time President of the Board of Trade, and seems to have had charge of many colonial papers. Miss Martin, custodian of these documents, at our request kindly furnished us a list of such as related to Maryland, a number of which are printed as an appendix to this volume. Among them will be found curious accounts of pirates and their treatment in Philadelphia, two characteristic letters from William Penn, a list of vessels built in Maryland (this from the Public Record Office) and other interesting papers.

Governor Nicholson being removed to Virginia, he was succeeded on Jan. 2, 1698/9 by Nathaniel Blakiston. Governor Blakiston was of a more conciliatory temper than his predecessor, and seems to have had and deserved the good will of the Assembly and the people. During his administration the State house was struck by lightning while the

Assembly was sitting, one member being killed and others injured. Pirates, including the notorious Kidd, were hovering about the coast, alarming the inhabitants, but their chief resort was Philadelphia, where they found friendly treatment and protection, and ready sale for their booty.

Blakiston's health failing, he sailed for England in July, 1702, and his office was temporarily held by Thomas Tench, President of the Council, until the arrival of Governor John Seymour in 1704.

In the night of Oct. 17, 1704, the State house was burned and many of the records destroyed. This calamity was followed the next year by a fire which destroyed the court house, to which the records had been removed, and several other buildings. These fires were believed to be the work of conspirators who wished to destroy the evidence of their indebtedness. Their ringleader, Richard Clarke, was tried for this and other heinous offences, found guilty and executed.

On July 30, 1709, Governor Seymour died, and his place was filled by Edward Lloyd, President of the Council, until the arrival of Governor John Hart in 1714. The Council records of Lloyd's administration are lost.

As the Charter of Maryland had never been overthrown, the assumption of the government by William III. had been a frank usurpation on the ground of public policy. The Proprietary, Charles, third Lord Baltimore, petitioned Queen Anne for its restoration, but it was refused because he was a Roman Catholic. In 1713 his son and heir, Benedict Leonard, renounced the faith of his father and was received into the Church of England, at the same time taking his children from the Catholic schools where they were being educated at his father's expense. Upon this his father withdrew the yearly allowance of £450 which he had been previously paying, and the Queen granted Benedict a pension of £300 during Charles's life. After the Queen's death (Aug. 1, 1714) Benedict petitioned George I. (v. p. 271) for the continuance of this pension, as also for the retention of Governor Hart, who had been appointed at his request.

Charles, Lord Baltimore, died on Feb. 20, 1714/5, aged over 85, and was succeeded by Benedict Leonard, who died on April 16 following, so that the change of proprietorship was not known in the Province until the arrival of the ships which brought also the news of the death of Benedict and the succession of his eldest son Charles, then a youth of fifteen. Charles and his guardian Lord Guilford petitioned King George for the restoration of the government, and this petition was

granted in 1715, Governor Hart being retained in office. The royal government had lasted twenty-four years.

Governor Hart returned to England in 1720, and was succeeded in 1721 by Charles Calvert, whose kinship to the Proprietary is obscure. During his administration the boundary troubles with Pennsylvania again entered on an acute stage, and there were complaints of Marylanders of forcible dispossession and other high-handed acts.

Charles Calvert was succeeded in the governorship by Benedict Leonard Calvert, a brother of the Proprietary, who took his seat July 3, 1727. We have a number of interesting particulars about him in the Diary of the antiquarian Thomas Hearne. Young Calvert was a student of Christ College, Oxford, while Hearne was resident at the University, and the old Jacobite seems to have conceived a friendship for him as an estimable young man of amiable character and scholarly tastes. Benedict drew up for him with his own hand a pedigree of the Calvert family, which may be found in Hearne's Diaries under the date of Sept. 1, 1718, and which serves to correct several errors into which biographers have fallen.

PROCEEDINGS

OF THE

COUNCIL OF MARYLAND

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

FRANCIS NICHOLSON, ESQ.
Governor.

1698–1699

September the 7th 1698
The Councill again Satt
Present
His Excellency the Capt Genl &ca p. 149

the honble { Colo Hen Iowles Chancellor, Thomas Tench Esqr, George Plater, Kenelm Cheseldyn Esqr } Esqrs being sent for came

Mrs Meech the Widow of Captain Thomas Meech dec'd who was lately employed to cruise within this Province to prevent & discover illegal traders appearing at the Board produces a Letter of the 16th of 8ber 1697 writt to her by Mr Philip Clark of St Marys County wherein he gives her an accot that her late husband had spent above four hundred pounds in that Employment besides his loss of time

And desiring to have satisfaction therefore she is told that her husband undertook that service upon a Certain Agreement which he made with his Excellency the Govr & which said Agreement is entred upon the Council Book to which she is referred

Ordered that the Clk of this Board shew Mrs Meech the said agreement upon the Council Book to morrow morning

Several Papers relating to this matter were the same time p. 150 read to Mrs Meech

George Layfield Esqr late Collector of the District of Pocomoke makes oath to an accot of the 1d ꝑ h arisg on Tobacco in Potomack district from the 18th of 7ber 1696 to the 6th of Iuly 1696

The Petition of Mr William Sharp of Talbott County read praying that two Actions now depending before his Excellency the Governor & the Council upon appeals & writts of Errors might be continued till the Assembly being read is granted

George Plater Esqr delivers for his Excllcys use upon the Accot of the 3d for Arms two sets of Bills of Exchange one drawn by Mr William Sharp on Sir John Duddleston of Bristol for 50ł Sterl thus endorsed memd the within Bill for the 1s 3d ꝑ hhd 3d ꝑ Tun & Coll fees the duty on tobacco to be paid according to the Quantity of Tobacco entred that year at the custom house in Bristol Ship Iohn & Susannah Wm Iones Commander

Lib. X. The other Set of Bills drawn by William Taylard for 40l Sterl on Abraham Etton & Timothy Payne for the malaga merch^t endorsed as the other

September the 8th 1698

The Council again Satt

Present

His Excellency the Capt Genl &c^a

The honble Thomas Tench Esqr

Robt Smith, Richd Hill, Tho Tasker, In^o Thompson, Iohn Hawkins, Iohn Pollard, Tho Staly } Justices &c^a

p. 151 George Plater William Dent Robert Gouldsborrough } Esq^rs

Agreed that his Majestys Justices of the Provincial Court do advise among themselves to adjourn the Court whether to the first or second tuesday in November next & that notice be given thereof & that no other Court will be held until the spring

Read what was advised on Sunday last in relation to Mr Gerard Sly

Then read his narrative & a Letter written to him by Mr Samuel Watkins of Patuxent

Advised that upon the said Slys acknowledging his Offence in open court as well against the Govr as Gov^t & asking Captain Hills pardon for his abuse & reflections that his Excellency be graciously pleased to remit his Imprisonment

Further advised that the Fine imposed by the Court on Captain Sly be appropriated to pay those persons that laboured to support the Gov^t & had great trouble given them for their better Encouragement

Read the Condition of the Bond proposed Mr Sly should give for his good Behaviour & advised that the sum he & his Security are bound in be five hundred pounds Sterl Iointly & severally it being Conceived to be better then a greater sum which if forfeited will Scarce be recovered

Advised Mr Sly make Oath to his narrative in Open Court

p. 152 Mr John Coods rough Draught of Articles of Charge against his Excellency produced & read

Mr Gerard Sly being brought before the Board & Submitting himself to his Excellency altogether humbly begging pardon & promising better behaviour for the future

His Excellency tells him that he has rec'd his petition & Narrative which he is willing to believe

And orders the Clark of this Board to acquaint him with what is expected from him Lib. X.

Then read the petition of Mr Robert Mason humbly submitting himself to his Excellency

Whereupon ordered that the said Mason be acquainted that upon a fuller Confession of his offence against the Government & doing the same which is required of Mr Sly his Excellency is inclinable to remit the Imprisonment

Mr Elias King & Mr Henry Lands petition read & referred to the honble Thomas Tench Esqr Iudge of the Admiralty on the eastern Shore

September the 14th 1698

Council Sat

Present

His Exc^y the Capt Genl &c^a

the honble { Col^o Henry Iowles Chancellor
Thomas Tench Esqr }

Whereas the honble Col^o Iohn Addison Col^o John Courts & Thomas Brook Esqr are not Come to Town resolved that the Court of appeals & writts of Error be held on the 20th day of 8ber next ensuing being the first day of the meeting of the next Sessions of Assembly & that the Gentlemen of the Council be writt to know why they did not come to hold the Court & not to fail Coming on the 20th of October next p. 153

Then read the following proclamation which is approved of & signed by his Excellency & ordered to be Sealed with the great Seal

By his Ex^cy the Capt Genl &c^a

A

Proclamation

Whereas there have lately been great disturbances & Comotions raised set on foot & fomented by divers wicked persons evilly affected to this his Majestys Gov^t & the peace & Tranquillity thereof & especially by Iohn Cood Senr late of St Marys County now fled into the Colony of Virginia from Iustice here for his horrid & impious Blasphemy & other notorious offences to the great detriment & trouble of many his Majestys good Subjects within this Province

And now whereas several of the said Offenders have been apprehended & at the last provincial Court held in august & sept^r instant proceeded against accord^g to Law & their con-

Lib. X. victed of such their offences & misdem^{rs} it is reasonably hoped the said Comotions and disturbances are pretty well allayed
p. 154 if not further pursued by the said Iohn Cood so fled as aforesaid & who now by a Bill found by the Grand Iury of the Province at the last Provincial Court stands indicted for endeavouring as much as in him lay to excite & stir up his majestys liege people within this province to rebel against his Majestys Govr & Gov^{t} by law established I do therefore in his Majestys name by & with the advice & Consent of the honble his Majestys Council within this province publish declare give notice to & Command all his Maj^{stys} good & Loving subjects within this province that they do for the future forbear to Associate converse with harbour Entertain or hold any Correspondence whatsoever with the said John Cood either by writing or otherwise but that they & every of them do endeavour to apprehend & Secure the said John Cood when ever he shall attempt to Come within this Province as they will answer the Contrary at their peril

And whereas Mr Philip Clark of St Marys County late one of the Attorneys of the provincial Court & one of the Attorneys in St Marys County hath again so ill behaved himself that for his just deserts he hath rendred himself uncapable of practising as an Attorney in any of the said Courts & altogether unservicable to his Clients yet his Majestys Iustices of the provincial Court Considering that several persons depended upon the said Clark to manage their affairs to him Committed expecting that he might have been in better Circumstances which proving otherwise might be a great Suprizal & Detrim^{t} to them have Continued the several actions wherein he was Concerned until the next Pro-
p. 155 vincial Court which is to be held God willing the 2^{d} Tuesday in Novr next against which time it will be for the Interest of such persons to employ some other Attorneys to manage their Concerns depending in the said Court

And I do further in his Majestys name strictly Charge & Command the several Sheriffs of this Prov^{e} that they publish this my Proclamation in all Churches Chappels Court houses & other publick places of meeting within their several Counties & also the 2 Addresses from his Majestys Iustices of the Provincial Court & the Gentlemen who served as Grand Iurors in the said Prov^{l} Court according to which all persons are to Conform themselves thereto at their perils Given at the town & Port of Annapolis under the great Seal of this province this 14th day of September in the tenth year of the reign of our Sovereign Lord King William the third &c^{a} Anno Dom 1698 Fra Nicholson

God save the King

To his Excellency Francis Nicholson Esqr Capt Genl & Commander in chief of this his Majestys Province of Maryland Lib. X.

Whereas there have of late been many Scandalous & Defamatory Rumors & Storys stirred up in this Province but more particularly in St Marys County tending to the disquiet & trouble of this his Majestys happy Government & with which false Reports its much doubted many of his Majestys good & peacable Subjects have been much abused & amused by false Notions & Apprehensions which if not Speedily removed may tend to the great Damage & Punishment of those persons no less then disquiet the province the same things hav^{g} already brought to Condign punishment & will undoubtedly be the portion of all that shall persist in such evils p. 156

And forasmuch as your Excellency hath of your Goodness Condescended so far as to lay before the Court & Country lately present at Annapolis to a very great number the several Rumors & Reports that have of late been Invented & spread abroad against this his Majestys Gov^{t} & made them all appear by records & other undeniable proofs to be some false some scandalous & all malitious to the full Satisfaction & beyond contradiction in the minds of all persons present & to the Conviction of those Concerned insomuch that it hath been represented to your Excellency & your Excellency prayed to issue forth proclamation through this province thereby to disabuse his Majestys Good Subjects & to settle them in peace & quiet & also to Caution & leave without excuse all such who by those gentle admonitions will not be reclaimed & to let all know those very persons who were the actors & principles therein are so sensible of the falsitys & evil thereof that they have made a publick acknowledgment & entred into Solemn Engagements to avoid & abandon the like for the future

We do therefore humbly pray your Excellency that it may be published proclamed & made known that all the said Rumors & Storys are false feigned Scandalous & Malitious Invented & spread abroad by Iohn Cood as principal Author & others that have suffered thereby & so probably would the said Cood but that he is fled into Virginia & there harboured with whom his Majestys good subjects may be commanded & required not only to forbear associating & Combining but to Seize & apprehend him wherever found in this province & Convey to the next Iustice of peace to be sent to the Sher of the County according to a former Proclamation & we do hope and expect that all persons will take warning & be thereby Cautioned against such practices for p. 157

Lib. X. the future it appearing to us that your Excellency is desirous & inclined rather to caution & prevent the evil than punish for it & not to take advantage against any for what is past provided they behave themselves as they ought for the future & we hope all persons take due notice & conform themselves as they will answer the Contrary at their utmost peril

Robert Smith Iohn Hammond Richard Hill	Tho Tasker In° Hawkins	Justices of the Prov[l] Court

To his Excellency Francis Nicholson Esq[r] Captain General & Commander in chief of the Province of Maryland

We whose Names are Subscribed being present on Saturday last being the 3[d] Instant in the Provincial Court at which time your Excellency was pleased with his Majestys honble Council to come & declare to the Court & County then present the several Devises & wicked Machinations that of late had most maliciously & falsly been Invented studied & spread abroad to the defaming & Scandal trouble & desquiet of this happy Gov[t] & the Hon[r] & Verascity of the Gov[r] as well as by what
p. 158 you were then pleased to declare & make publick as by several other pregnant reasons & proofs being so fully & Clearly Vindicated & the malitious designs aforesaid so palpably detected & their contrivances we hope almost brought to nought & supprest we conceive ourselves obliged in Gratitude & good manners to your Exc[y] & in Love & Good will to our Country humbly represent the same to your Exc[y] & pray

1 That you will Continue this your Goodness & care of us

2 That you will by some proclamation or other publick instrument (as your wisdom shall advise) make the same known through the whole Province not only to Quiet the minds of those that may have any distrust or doubt but to warn & caution all others to avoid such wicked designs & Contrivances or the least to Engage or be seduced by them that thereby they may avoid those just Punishments that some are deservedly fallen into for the same

In this we speak our own hearts & minds & we verily believe of all those that heard the same & humbly Subscribe our names.

Robert Smith In° Hammond Richard Hill Tho Tasker In° Pollard	Tho Staly Ia[s] Keech In° Thompson In° Hawkins	Iustices

Wm Turlo, Andw Parker, Richd Iones, Inº Howard Tho Coursey Lib. X.

A Miller, Gabriel Parrot, Wm Rownd Gilb Clark, Iohn Hurst, Lane Todd, Iohn Duvole, Hugh Riley Com Howard, Charles Hammond, Iohn Willoughby Philip Lynes, Elias King Samuel Holdsworth, Iohn Holdsworth George Layfield p. 159

Grand & Petit Iurors

Ordered that the several Naval officers within this Province do not fail to bring up their accots & swear to them the first day of the meeting of the next Assembly

Ordered that the several Sheriffs do give publick notice to the members of his Majestys honble Council and the house of Delegates not to fail coming to Annapolis the 26th day of October next vizt the first day appointed for the meeting of the next Sessions of Assembly & to all persons that have any Claim to make that they swear to them & send them by their Delegates the first day of the Assembly.

Ordered that the several Sheriffs do give publick Notice that the Court of his Excellency the Govr & Council for hearing of appeals & writts of Error will sit on the 20th of October next ensuing that his Majestys high Court of Chancery will set upon the 2d monday in Novr next that the provl Court will be held on the 2d tuesday in the said month of Novr as also the Commissarys Court the same day & that there will be no Provl Court held in the winter till the latter end of April or beginning of May they being found to be very inconvenient by reason of the cold seasons

Ordered that the several Sheriffs do take effectual care to have the several lists of Taxables returned without fail the 20th of 8 ber next the Country having been put to great charge the last year for want of their being returned in due time

And whereas the Returns made last year relating to Vessels & Seafaring men &ca & also to Churches Chappels priests dissenters &ca & adjudged not to be Satisfactory & his Excellency is again required by the right honble the Lords of the Council of Trade & Plantations to have a more exact & perfect Accot sent them p. 160

Ordered therefore that the several Constables go about from house to house within their respective hundreds & take an exact Accot of all men women & Children & what religion & perswasion they are of also what ministers or priests Noncomformists Speakers or others they have residing within their several hundreds & what Churches Chapels meeting houses & other publick places of Devotion they have & likewise what Schools & by whom kept all which they are to return in Distinct Columns in a fair Sheet of paper & a good Legible hand

Lib. X. Ordered that the Sheriffs do return an acco[t] of what Vessels Sloops Shallops &c[a] have been built since the Revolution & to whom belong & what seafaring men are in their several Counties

Ordered that the several Sheriffs do make strict inquiry & return an acco[t] of what persons are in offices which are rendred unqualified by the late act of Parliament for preventing frauds & regulating abuses in the Plantation trade

Ordered that the several Sheriffs give notice that the Free School will be finished in the next spring & that there are two
p. 161 payments made to the builders therefore they are to return an Acco[t] of what Subscriptions are made

Ordered that the Overseers of the high ways do take due care to have them Cleared this fall according to Law

Ordered that the several County Clerks & Clerks of the Vestrys do not fail to return an exact Account of their County levy & of the vestry proceedings according to Law

Ordered that the Sheriffs do give due notice to such persons who have granted married Licenses that they send an exact acco[t] of them to his Excellency by the 20th of 8 ber next

Ordered that the Several Counties sign & send up their Grievances by their Delegates to his Excellency & Council in Assembly

Signed ꝑ Order
W Bladen Cl Concil

Lib. H. D. p. 248 Mr Lawrence his Secrys Comission

William the third by the Grace of God of England Scottland ffrance and Ireland King Defender of the ffaith &c. To all to whom these p[r]sents shall Come Greeting Know ye that we of our Speciall Grace Certeine Knowledge and meer motion have Given and Granted and by these p[r]sents do give and grant unto our Trusty and well beloved Thomas Laurence Esq[r] the Office or place of Secretary of the Province of Maryland in America The Governm[t] whereof we have into our hands and under our Imediate Care And him the Said Thomas Laurence Secretary of the Province of Maryland in America we do make Ordaine and Constitute by these p[r]sents To have hold Exercise and enjoy the Said Office or place unto the Said Thomas Laurence by himselfe or his Sufficient Deputy dureing our pleasure and the residence of the Said Thomas Laurence in the Said Province together with all rights priviledges profits perquisites and advantages to the Said Office belonging incident or in any wise Appurteining and in Such maner and forme as any Secry of any of our Provinces in America for or by reason of the Exercise and Execution of Such office or place may Lawfully have receive or enjoy

And we have revoked & Determined And by these p^r^sents Lib. H. D.
do revoak and Determine Certeine Letters Pattents under our great Seale of England bearing Date the 5th day of September in the third year of the reigne of us and of our late Royall Consort Queen Mary whereby the said Office was granted unto Sr Thomas Laurence Barronett

In Wittness whereof we have Caused these our Letters to be made Patents Witness Thomas Archbishop of Canterbury and the rest of the Keepers and Justices of the Kingdom att Westminster the twentieth day of Sep^t^ in the Tenth year of our reigne

By writt of Privy Seale
Pigott

[Appointment of Commissary.]

Henricus permissione Divina Londin. Episcopus Dilecto nobis in Christo Thomæ Bray D. D. Salutem in Domino, Cum Nobis pro munere quo fungimur Episcopali incumbat, p. 252
ut inter eos qui Nostræ Curæ Committuntur, et Lites et querelæ, que ad Forum Ecclesiasticum Spectant Iuxta Leges Regni Angliæ, Canones Ecclesiæ Anglicanæ et Iuris Exigentiam rite decidantur, Te Thomam Bray D D Cujus Scientiæ & probitati plurimum confidimus, Commissarium Nostrum in et per totam Provinciam de Maryland, Nostræ Iurisdictionis in America Sitam facimus et Constituimus ꝑ presentes et Concedimus Tibi potestatem omnia et Singula faciendi circa premissa quæ de Iure vel Consuetudine fieri possint aut Debeant Censuras Ecclesiasticas pro facti qualitate infligendo remittendoq una cum potestate Surrogatum vel Surrogatos Constituendi, quoties Tibi per Valetudinem adversam vel alia Negotia abesse Contigerit, Exceptis tamen Semper Insinuatione Sive Approbatione Testamentorum vel Ultimarum Voluntatum Concessione Administrationis bonor ab intestate decedentium et Facultatibus pro Bannis Matrimonialibus, omittendis, Nec non Collatione Sive Institutione ad beneficia Cum Cura Animarum. In quorum omnium et Singulorum p. 253
Fidem et Testimonium has presentes Literas Nostras Testimoniales fieri, ac Sigillum Nostrum Episcopale presentibus apponi fecimus

Datis tertio Die mensis Octobris An° Dni Millmo Sexcenmo Nonagemo Octavo Nræq Translationis Vicessimo Tertio.

H: London [Seale]

At a Council held at the Port of Annapolis the 21st day Lib. X.
of October in the 10th year of the reign of our Sovereign p. 61

Lib. X. Lord Willm the third by the grace of God of England Scotland France & Ireland King Defender of the faith &c^{a} Anoq Dni 1698

Present

His Excellency Francis Nicholson Esqr Captain General &c^{a}

p. 162

the honble { Coll^{o} Henry Iowles Chancel^{r}, Coll^{o} Iohn Addison, Coll^{o} Iohn Courts, Thomas Brook Esqr, Iames Frisby Esqr }

Resolved and advised that whereas God be thanked we have certain Advice of his most sacred Majestys being in good health & that the Kingdom of England is in a flourishing estate & that it hath pleased Almighty God the late Violent Mortality is ceased here & many seditious & evil Reports tending to the disquiet of this province lately set on foot & spread abroad are Supressed & Vanished & that the waters commonly called cool springs in St Marys County are lately found to have done great Good & have Effected Considerable cures on divers persons so that the good people of this Province may reasonably hope for peace plenty & good days that tuesday next be set apart for a day of publick thanksgiving therefore at the Port of Annapolis and att all other places & Countys in this Province on tuesday the 22^{d} of Novr Ensuing

Upon reading the Petition of Thomas Lovett Mas^{r} of the Briganteen Susannah of Spanish Town pray^{g} that he may be permitted to have his Briganteene now under Seizure appraised & that he will give Security to stand Trial at the next Provincial Court

This Petition is not thought fit to be Granted in respect that many frauds have been Committed here in Deceit of his Majesty upon such Apraisments

p. 163 Whereas no Sufficient person qualified to be Iudge of his Majestys Court of Admiralty on the eastern shore of this Province is represented to his Excellency to be so Commissionated

Ordered that the honble Thomas Tench Esqr his Commission be enlarged to be judge of the Admiralty as well on the Eastern as Western Shoar of this Province

And that M^{r} W Bladens commission be also enlarged to be register of the said Court as well on the Western as Eastern Shore

His Excellency is pleased to order that a Commission be prepared constituting Mr Wm Dent his Maj^{stys} Advocate of the said Court

Then read the Deposition of Mr William Price Concerning Lib. X.
some reflections cast upon his Excellency the Govr & this Gov^t by Captain Iames Brains Commd^r of the Ship Iames & Benjamin of London together with the declaration of Philip Hennard & Joseph Hopkins his Excellency the Gov^rs Letters & orders to Robt Smith Esqr & Captain Iohn Hawkins & the said Esqr Smiths answer whereupon ordered that warrant issue to the Sheriff of Ann-Arundel County to take the said Capt Brains into his custody & bring him before his Excellency the Govr & this Board which said warrant was accord^gly issued

It being represented that Mr Geo Tubman Minister of Port Tob^o Parish in Charles County has lately Notwithstanding his being Married in England & his wife Supposed to be there living married another woman in Charles County & much given himself to Sotting and Drinking

His Excellencys says he is very sorry to hear it in Several p. 164
Respects but especially of his Function & will take Care to have him brought to Condign Punishment And therefore ordered that a warrant issue to the Sheriff of Charles County to take the said Mr Tubman into Secure Custody & bring him before his Excellency the Govr & this Board with all Convenient speed which said warrant was accordingly issued

His Excellency is pleased to propose to the Gentl^n present that whereas he understands Mr Philip Clark of St Marys County does endeavour to make what Interest he is able with the members of the house of Delegates to procure his Enlargement whether it may not be Necessary in order to Obviate such his endeavours & prevent the houses running headlong into heats before they are throughly Sensible of his misdemeanors, that his Tryal at the last Prov^l Court together with the Depositions & proceedings therein be laid before them upon their meeting

Then read their Lordships Letter of the 21st of March 1697/8 which together with the inclosed Act of Assembly made in Jamaica for Supressing of Privateers Pyrates & Sea Robbers is advised to be laid before the house of Delegates & that it be recommended to them to Enact Such a Law here

His Excellency is pleased to say that whereas George Plater Esqr his Majestys Atty General of this Province has made application to him to be dismissed from Acting as his Majestys Attorney Genl of this Province he does think fit to p. 165
appoint Major Willm Dent to be his Majestys Atty Genl & thereupon ordered that a Commission be prepared Constituting Major Wm Dent to be his Majestys Atty Genl within this province with Power therein Given him to examine Evidences

Lib. X. upon oath & to require the advice of any of the Practitioners of the Law not reteined for the Delinquents

Ordered that Mr Robt Gouldsborrough be Continued of his Majestys Council at Law

Major William Dent appearing at the Board his Excellency is pleased to tell him what is ordered on his Behalf for which he returns his humble thanks

The honble Iames Frisby Esqr one of the members of this Board being much indisposed has leave to go to his Lodging

Then came the honble Thomas Tench Esqr & was added to the Board

Then read the petition of Robert Smith Esqr his Majestys Surveyor General of this province praying that the respective Surveyors of the several Counties Commissionated by the Govr may return fair platts of their Surveys to be Examined by him & may also Give him accot of the profitts of their respective Offices

The aforesaid Petition is referred to his Majestys Council at Law to make Report what is Legal & fit to be done therein

Whereas Mr Samuel Watkins of Putuxent hath of late so disengeniously behaved himself Ordered that he be dismissed
p. 166 from acting as naval Officer of Putuxent And that a Commission be drawn appointing Geo Plater Esqr Naval Officer there

Saturday October 22d 1698

The Council Sate

Present

His Excellency the Governor

the honble { Colle Henry Iowles Chancellor
Thomas Tench Esqr
Colle Iohn Addison
Colle Iohn Courts
Tho Brook &
James Frisby Esqrs }

Mr Thomas Merywether who lately carried his Excellency the Govrs Letters to his Excellency Sr Edmd Andros Knt his Majestys Lieut & Govr General of Virginia appearing is asked to give Accot of the delivery thereof which he doth upon oath as followeth vizt

That being designed for Virginia he rec'd a Letter for his Excellency Sr Edmund Andros Governor of Virginia from his Excellency Francis Nicholson Esqr Governor of Maryld which said Letter he delivered to the Governor of Virginia After he had been there some time he asked him if he had any Service & as he understood him his answer was no he

spoke something thick that he could not understand whether Lib. X.
it was no or not I this was on the Wednesday on the Monday following he called on the said Govr of Virginia to know if he had any Service to Command to Maryland the people told him he was not up when he first went but in a little time Sr Edmund Came to him in his morning Gown he asked him p. 167
if he had any service to Command in Maryland & not being dressed he could not write then & Whereupon he offered to stay a day or two if his Excellency would please to write his Ans^r was truly he could not be hurried

Read his Excellencys order for the reception of Col^o Blakiston whom it is advised his most Sacred Majesty has been Graciously pleased to appoint his Governor of this Province

His Excellency is pleased to tell the Gentlemen of the Council that he requires there presence here so soon as they shall here of his Arrival

The petition of Henry Bonner read & referred to his Majestys Attorney General to make report what is fitting to be done therein

Captain Iames Brains being brought before the board his Exc^lcy asks him if he has any particular Commission from his Majesty to examine his actions

Tells him that he will use him fairer then he did the Government in arraigning it so clandestinely orders the Several Depositions taken against him to be read

Captain Braine says he is not guilty of uttering the words in them contained & if he did it was when he was in drink—he is ordered to withdraw

The further prosecution of this matter is referred to his Majestys Atty General

The honble Thomas Tench Esqr Iudge of the Court of Admiralty Mr Wm Dent Advocate & Mr Wm Bladen Regis^r thereof take the oaths of Iudge Advocate and Register & the oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance & Supremacy & Subscribe the Test

Monday October the 24th 1698 p. 168

The Council Sate

Present

His Exc^y the Capt Genl &c^a

the honble { Coll^o Henry Iowles Chancellor
Tho Tench Esqr
Coll^o Iohn Addison
Coll^o Iohn Courts
Thomas Brooke &
Iames Frisby Esq^rs }

Lib. X. Whereas several Bills of Exc° found in the Possession of Mr John Perry late deceased were produced at the Board

The honble Thomas Tench Esqr takes the Oath for increase of trade as he is the Iudge of the Admiralty according to the directions of the Act of Parliament made in the 7th & 8th years of his present Majestys reign intituled an act for preventing frauds & regulating abuses in the Plantation trade

George Plater Esqr being Called before the Board is Commissionated Naval Officer of Putuxent takes the Oaths appointed by Act of Parliament to be taken instead of the oaths of allegiance & supremacy the above mentioned oath for increase of trade

Ordered that Samuel Watkins late naval Officer of Putuxent deliver to the said George Plater Esqr all Books papers Instructions & Specimens belonging to the naval office at Putuxent

Major William Dent takes the oath of his Majstys Advocate in the Court of Admiralty & the oath for increase of trade.

p. 169

Post Meridiem

The Council again Sate

Present

His Excellency the Capt Genl &ca

the honble { Coll° Henry Iowles Chancellor
Thomas Tench Esqr
Coll° Iohn Addison
Coll° Charles Huchins
Coll° Iohn Courts
Thomas Brook Esqr }

It being moved at the Board on Behalf of Captain Thomas Lovett Master of the Briganteene Susannah of Spanish Town which was this day before the honble Tho Tench Esqr Judge of his Majestys Court of Admiralty within this Province Condemned upon breach of several Acts of trade & Navigation that he might be admitted to purchase the Vessel together with her Cargo according to the Appraismt to be made upon oath

His Excellency is pleased to say that he is inclinable thereto provided Captain Lovett will produce the Vessel & Cargo together with the Negroes in her imported that when they are appraised he may purchase them at the appraised Value the Gentlemen of the Council say that it will be a great Favour to him

His Excellency is pleased to say that he hopes Capt Lovett will take better care for the future and that it will be for his

Majestys Service to wit the increase of his Revenue that the Vessel be in a capacity to make a Voyage for England Lib. X.

Then came Captain Thomas Lovett before the Board And being asked whether he was Contented with the Iudgment of the Court of Admiralty or had any intention to appeal to his Majesty in his most honble Privy Council he says he has no such Intention but Submits himself wholly to his Excellencys Kindness & Favour and understanding what had been considered on his behalf he returns his humble thanks to his Excellency therefore p. 170

Ordered that the Charges upon Seizure & Condemnation of the Briganteen be adjusted & when discharged that a tenth part of the Clear prize be paid to Colonel Mitchel who gave notice of the Arrival of the Vessel

Ordered that publick notice be given that whosoever gives Information of the Breach of any the Acts of trade and Navigation that such persons for their reward shall have a Tenth part of the prize if Condemned

Whereas his Excellency has promised in case the Assembly agree to make an Hospitall at the Coole Springs to give towards it 25 ł Sterl he does declare himself well Satisfied in that the Briganteen is Condemned which he hopes is Sufficient Punishment to deter the Owners from any further illegal Trading & that he does not desire any private Advantage thereby to himself & will remit Captain Lovet his third part provided he pays thirty poun^{ds} to the poor at the Cool Springs towards building the Hospital before mentioned which is to be in Lieu of his Exc^{cys} promise of 25 ł to that use

To the which Capt Lovett was Consenting & gave his Excellency many thanks for his Generosity & kindness

Ordered that Geo Plater Esqr his Majestys receiver of the District of Putuxent take care to see the Vessel And Cargo appraised and his Majestys Part Secured

October the 25th 1698 p. 171

The Council Sate

Present

His Excellency the Governor &c^{a}

the honble { Coll^{o} Henry Iowles
Coll^{o} Char Huchins
Tho Tench Esqr
Coll^{o} Iohn Addison
Coll^{o} Iohn Courts
Thomas Brook &
Iames Frisby Esq^{rs} }

Lib. X. Read the humble Petition of Iames Brains Commander of the Ship Iames & Benjamin of Lond° vizt

October 22^d 1698 } To his Excellency Francis Nicholson Esqr Capt General & Governor in chief in & over his Maj^stys Province & Territory of Maryland

The humble Petition of Iames Brains Commander of the Ship Iames & Benjamin & now riding in South River

Sheweth

That your Petitioner was never so suprized as at the hearing of the Depositions this day read to him before your Excellency in as much as thereby he is accused of such things as never entred into his thoughts to utter against your Excellency or the Government & if he should utter any such speeches must declare himself thereby to the whole Province (which daily receive the happy Effects of the Iustice moderation and every way advantageous influence of your Excellencys Gov^t) to be an ill man & render himself odious among those of his own
p. 172 Calling who in a peculiar manner must needs own their happiness in having a person of your Excellencys extraordinary Conduct in the furtherance of trade & Cherishing to your great cost & Expence those concerned therein to rule over them in this Province

But the more Grievous to your Excellencys Petitioner is the said accusation because he has often recd amongst great many undeserved Marks of your Excellencys Goodness in such a Degree that he must needs be lookt upon the most ungrateful of men should any thing come from him that may in the least tend to calumniate your Excellency

Therefore he humbly prays that according to your Excellencys wonted Clemency & your peculiar desire of promoting the Interest of all fair Traders into your Gov^t that your Excellency would be pleased to remit the Prosecution with the Guilt of those things your Petitioner is accused withal Iustly deserves, that the employ he is Concerned in may not Suffer having only this to say for himself that if he should speak such words (which he never remembers to have done) they were such as he had no ground to say & in themselves utterly false & further that he shall with all industry endeavour to manifest himself as he really is a well wisher to your Exc^lcy and the Gov^t & abhorror of such persons as should have any inclination to the contrary

In humble hopes of your Excellencys forgiveness your Petitioner can do no more then pray &c^a

Iames Brain

Captain Iames Brain being Called in His Excellency is pleased to say that he is not to be taken with a few fair words in a Petition Lib. X.

But Since this is a Day appointed for publick thanksgiving & Especially upon the happy News of the good Agreement of his Majesty & the Parliament of so long a Sessions upon that acco^t he is willing to remit him the Prosecution & the rather because this is the first time he has had any thing of the like nature against him p. 173

This being the day appointed for Mr Gerard Sly to appear before his Excellency the Governor in Council according to his Bond for good behaviour & Appearance

Came the said Mr Sly & his Bond for good behaviour and appearance being read as likewise Mr Sly's narrative which being altogether in the Negative his Excellency is pleased to say that he has neither complied with his Sacred or human obligations his oath nor his Bond but since that now God be thanked all those disturbances & evil Reports spread abroad by him & his Accomplices were Supressed & defeated & not knowing how to Credit any thing he should either say or swear tho he never made so ample discoverys he will not trouble himself any further and Since this is a day of publick thanksgiving he is willing the Bond should be Vacated & said Sly acquitted thereof

October the 26th 1698

The Council Sate

Present

His Excellency the Govr

the honble { Coll^o Henry Iowles Chancellor, Coll^o Charles Huchins, Thomas Tench Esqr, Coll^o Iohn Addison, Coll^o Iohn Courts, Thomas Brook & Iames Frisby Esq^rs }

The honble Coll^o Charles Huchins gives the follow^g Information vizt p. 174

That about Iuly last he saw one Robert Reed of Dorchester County have a large Painted Pinnace with Masts & Sails & upon inquiry the said Reed told his Honour that two Seamen gave him her for carrying them to the head of Nanticoke afterwards sent his hon^r word that the Owners of her lived in Potomack & had Ordered him to keep her until he came for her

Lib. X. Now the said Pinnace being Supposed to belong to some of his Majestys Ships of war

Ordered that Mr Thomas Collier Marshall of the Court of Admiralty on the eastern shore take the said Robert Reed into his custody & bring him before his Excellency the Governor to answer his Contempt of his said Excellencys Proclamation in conveying the said Seamen away contrary thereto

Ordered likewise that the said Mr Collier take the said Pinnace Masts Sails & Appurtenances into custody & bring her to the Port of Annapolis

Ordered that publick notice be given that what persons soever do take Boats or any thing else of runaway Seamen for conveying them away such will be prosecuted as Accessarys to the felonies of such deserting Seamen

Read the Petition of Mr Thomas Lovett petitioning for his & his mens wages which being matter of Law is referred to the honble Thomas Tench Esqr Iudge of the Court of Admiralty within this Province

Upon the Petition of William Hutchison ordered that Captain Iohn Bayne of Charles County his Sheriffs Bond in the Year 1696 be Assigned him

p. 175 A Draught of a Commission appointing Majr Wm Dent to be his Majestys Atty Genl within this Provs read & approved of

Read the Instructions which he designs to give to the several Clks of the Indictments which are well approved

Court of Appeals & writts of Error further deferred until Monday next

Ordered that Mr William Hopkins have notice to attend

Ordered that Mr Edward Batson be Commissionated Clerk to his Excellency the Governor & Council in the Court of Appeals & writts of Error held before them

Ordered that the Sheriff of Ann Arundel County set a Guard upon the Prison that no person be Suffered to discourse with Mr Philip Clark to prevent his subtle insinuations

October the 27th 1698

The Council Sate & were present as Yesterday

Ordered that Summons issue from this Board to summon Captain Daniel Ienifer to appear before this Board with all Convenient speed

Ordered as it is hereby ordered that the Clerk of the Council in Assembly & the Clerk of the house of Delegates each of them make out one fair Iournal for the Secrys Office & two transcripts of the same to go for England & that then

the honble the Secy cause two more Transcripts of each to be writ to be sent for England Lib. X.

Upon the Petition of Mr Edward Green of Somerset County it is Referred to the honble Colo Charles Huchins to nominate some fitting person to be his Majestys Surveyor in that County

Now that the Session of Assembly is ended p. 176

Ordered as it is hereby ordered that the Clerk of the house of Delegates bring the Iournal of the house before this Board

Accordingly came Mr Christopher Gregory Clerk of the house of Delegates & produced the Iournal of the house wherein is observed in this day proceedings the Speaker taking the Chair & proroguing the house after prorogued by his Excy & their stay some time for Books before they left the house

Mr Gregory being asked says that Mr Speaker moved the house to show their resentment of his Excllcys words Yesterday vizt distinguishing who were for the King & who against him about the word sedition & taking Mr Clark out of Prison

Mr Richard Smith of Calvert County being reputed to be a factious person much disaffected to his Majesty & this his happy Govt

Ordered that the Sheriff of Ann Arundel County take him into his custody & bring him before this Board in order to have the oaths appointed by Act of Parliament instead of the oaths of Allegiance & Supremacy tendred to him

This Board being informed that the said Smith hath been in Town ever since the Assembly sate & in the Compa of those Members that drank King Iames health

The said Mr Richard Smith being brought before this Board his Excellency is pleased to ask him if he be in Office within this Province who says he is the Lord Baltemores Surveyor Genl of the eastern shore

The Oaths &ca are tendred to him according to Law & he refuses to take them saying that he is willing to take the Oath appointed instead of the Oath of Supremacy but not the Oath of Allegiance to his present Majesty

Whereupon his Excellency Commands the Sheriff to take him into his custody until he pays fourty Shillings according to the directions of the Act of Parliament & that the Sheriff see the same paid as the Law directs p. 177

It being proposed at the Board whether it be not reasonable & fitting that the said oaths should be tendred to all Persons that bear any publick office under the Lord Baltimore or not (excepting Collo Darnal his Lordships Receiver who stands excused by his Majestys Order in Council)

Lib. X. It is thought very reasonable & adviseable they should least those offices should nourish persons disaffected to his most Sacred Majesty & his happy Government

And whereas several Persons within this Prov[s] have lately shewed themselves disaffected to his Majestys Gov[t] Ordered that one of his Majestys honble Council or one of the Iustices of the Provincial Court tender the said Oaths to such his Lordships Officers or other persons whom they Shall find to be disaffected within their respective Counties Saving to the said Coll[o] Henry Darnal his Lordships Receiver who stands exempted by his Majestys order in Council

October the 28th 1698

The honble his Majestys Council Sate

Present

His Excellency the Captain General & the members of the Council were present as yesterday

M[r] George Tubman Minister of Port Tobacco Parish in Charles County being sent for appeared at the Board

p. 178 His Excellency tells him he was never Sorryer in all his life to have any man brought before him not only in respect to his Coat but that this is such a Country wherein Example is more prevalent then Argument & especially because he was sent in by the right reverend the L[d] Bishop of London

Asks him if he does not remember his application to him for Leave to go for england to fetch his wife & that he much admires he should have married another in the Countrey & that he has given himself to horse racing Sotting & drinking that he did not grant him any Such Power to grant Licenses to himself

M[r] Tubman says he did not give himself a License but had one from M[r] Peregrine Cony which he produces & is as followeth viz[t]

Peregrinus Cony dilect nobis in Xto Georgio Tubman & Elianore Hawkins de Caroli Com in Maryland Salutem Cum Vos ut Asseritur ad Solemnizat Mronij Veri et Ami de Expresso decreveritis illudq cum eaq fieri proterit matura Celeritate Solemnizari facere et obtinere magnopere desideritis Nos volentes ut honesta hæc Vrā desideria debitu Celerius consequantur Effectum ut igitur Mrōnij (uti mos est) publice edits libere et Solemnizari facere et Obtinere Possistis et Valeatis post Cautionem fide Jussorum Sufficientem ex Parte Vrā inter positum Iuxta Canones aut horates Reg

nuper editas dumodo Vobis ratione Con sanguinitatis Affini- Lib. X.
tatis ꝑ contractus vel alterius Causæ Cujuscumq de Iure prohibite nullum Arnum in ea parte Obsteterit Impediment ne ullavis Controversia Seu querela moto Sit vel pendeat Coram aliquo Iudice Civili vel Ecclesiastico Cum Allerutro Vrum & Ministro Prius Constiterit Vos ad humod Mronij Celebratione accedere de et cum Expresso Consensu parentis ac modo Mronij Celebratio libere fiat inter horas Octavam & Duodecimam ante Merediem Iuxta Ritus Libere publicari prout p. 179
Authoritat Parliament in ea parte Edit et Stabilit nec non omnibus alijs Christi fidelibus sit Solemnizat Interrestendi ex Certis Causis Annis et rationalibus ꝑ nos approbat quatenus in Nobis est et Iura regni Patiuntur inhac Parte benigne Concedimus et Impertimur ꝑ presentes In cujus rei Testimonium Sigillum nrum Apposuimus die tertio Octobris 1698

[Sigillum]

Peregrine Cony

Mr Tubman says Mr Cony puts his Seal to it & that he himself put in the date

His Exclcy says he gives Mr Cony no power but as chief of the Vestry

His Exclcy tells Mr Tubman that he has heard what he is charged with & gives him an hour or two to make his Answer in defence thereto

Mr Tubman says he confesses himself in some respect Guilty of what he is accused with but withal says he has no wife in England

The Reverend Mr Benja Nobbs & Mr Hugh Iones being sent for came & his Excellency is pleased to request them & the rest of the reverend Clergy in Town to take Mr Tubman to their chamber & discourse him & give their Opinion for the result of this Board thereon

Then produced & read the following Report of the Revd Mr Benjamin Nobbs and Mr Hugh Iones as followeth vizt

We having as ꝑ Order Examined Mr George Tubman Clerk do make our Report to your Excellency & honours as followeth

He confesses there is a Woman in England whom he Owned as his Wife, has Wrote to, & rec'd from her Letters under that Denomination & has desired leave to go & fetch her p. 180
hither Under that Title but says she never was his wife & that he was never married to any woman but to his wife Elianor

He acknowledges that he has frequented horse racing he confesses he has been Guilty of the Sin of Drunkenness

He says the License by which he was married to his wife Elianor was thus obtained that about easter was a twelve

Lib. X. month intending to take to wife Elianor Hawkins he came to the Reverend Mr Peregrine Cony who was then the only person that Granted Licenses under his Excellency & desired a Blank Licence of him who being willing so to do begun & wrote his name Peregrinus Cony & Ordered him Mr George Tubman by the copy to write the rest which he did leaving Room for the name to be filled up afterwards and says that Mr Cony Subscribed his name to it but did not set his Seal the which Setting the Seal Mr Tubman did with the filling up the day of the date of the License

Concerning our opinion we humbly offer

That as to the License Mr Tubman acted in quality of Surrogate

That the Offences Mr Tubman stands charged with deserved to be punished with Suspēncon ab Officio & Beneficio

Witness our hands

Ben Nobbs

Hugh Iones

Mr Tubman called in the foregoing Report is read unto him & he is asked if he has any thing to say for himself why he should not be Suspended accordingly & he not making any answer is ordered to withdraw

p. 181 Agreed that as to Mr Tubmans marriage it be left to the Decision of the civil & common Law

Advised & Ordered that whereas Mr Geo Tubman was appointed to Officiate as Minister of the parishes of William & Mary & Port Tob° in Charles County & also did Officiate in Piscattoway Parish in Prince Georges County having lately misbehaved himself to the Scandal of his Function & the holy Religion he professes as appears by his own confession that he be Suspended as well from his Office as Benefice in the said Parishes & be not hereafter Suffered to execute his Ministerial function or any part thereof within this his Majestys Province neither that he be Admitted to receive any part of 40 ℔ Tobacco ꝑ Poll arising with the aforesaid parishes from the third of October instant which is the day his pretended License bears date

Time given Mr Tubman to make his defence why this Order of Suspension should not be Served upon him till munday morning

Mr Tubman returns by Coll° Addison that he has no Answer to make

Wherefore Ordered that Copy of the Order of Supēncon be Served upon him which was by the Clerk of this Board accordingly Served upon him

Read the Petition of Roderick Loyd of S[t] Marys County Lib. X.
Petitioning for the Cryers place of that County Court the said Petition is referred to the Iustices of the County Court who are to admit of him provided what he has set forth in his Petition be true

His Excellency is pleased to tell this Board that whereas several of the Members thereof are dead few at present being of the Council, & living very remote, he was forced Several times to call for the Assistance & advice of Robert Smith p. 182
Esq[r] Major Iohn Hammond Captain Rich[d] Hill & Thomas Tasker Esq[r] whom tho he did not Swear yet had their Assistance in Council & now forasmuch as the honble Robert Smith Esq[r] was in Town proposes whether it may not be Convenient he should be called in to the Board

Which is thought reasonable & if that he should not it will look like Slighting him

Wherefore ordered that the Clerk of the Board go & call him

Who returns with the said Robert Smith Esq[r]

October the 29th 1698

The honble his Majestys Council Sate present as yesterday

M[r] Edward Batson Commissionated and Sworn Clerk of Appeals & writs of Error before his Excellency the Governor & Council said M[r] Batson took the Oaths of Allegiance & Subscribed the Test

Also the said M[r] Batson took the Oath of Clark of the said Court

Whereupon Ordered that the Clark of this Board deliver to the said M[r] Batson all the Books papers & records belonging to the said Court to be by him kept

The Petition of George Plater & Geo Muschampe Esq[rs] read praying some order to the Sheriffs & several Clarks of the Indictments to prosecute to Iudgment & Execute the several fines within this Province which is Granted & Ordered accordingly

November the 1st 1698

The Council met present as on Saturday last

Read the Petition of M[r] William Dent his Majestys Attorney p. 183
Gen[l] of this Province praying that some fee may be Setled upon him for reports made from this Board

Whereupon ordered that the several persons at whose Suit such references are made pay to his Majestys Atty Gen[l] for

Lib. X. such his Reports when of any Considerable Value weight or moment ten Shillings & upon small matters Five Shillings

Then read the Claim of Lieu^{t} Coll^{o} Lowe high Sheriff of St Marys County for his trouble about Sly Clark & Mason which is referred to his Majestys Atty Genl to make Report what is fit & reasonable for the delinquents to pay

Ordered whereas Sly Clark & Mason are fined 1600^{lb} of Tobacco that the said fines be appropriated to Satisfy Such Persons who were Imployed on that Affair it being thought reasonable & necessary that those persons who Laboured to support the Government should be paid & Satisfied without which it will be a discouragement to any persons to shew their readiness to serve his Majesty & the Country upon the like occasion & for want of which great Detriment may happen to the Gov^{t}

November the 3^{d} 1698

The Council Sate present as on Tuesday last

Read the Petition of George Muschamp Esqr his Majestys Receiver of Potomack & Pocomoke District setting forth that he could not get in so much of the fines & Forfeitures as would Satisfy his Sallary out of the said Districts of Potomock & Pocomoke therefore desire he may be paid out of the Surplusage of Mr Platers Districts of Putuxent

p. 184 Whereupon Ordered that Provided he makes it appear he has done his utmost endeavour to receive what fines & Forfeitures are due in his districts & that they will not Answer his Sallary that then he be paid the same out of the Surplussage in Mr Platers District of Putuxent

Ordered for the future that the Deputy Receivers & Naval Officers take care to return their acc^{ts} fairly Stated to the Receivers & Treasurers that they may be Ready Adjusted before the Assembly meets

November 10th 1698

The honble his Majestys Council Sate

Present

His Ex^{y} Fra Nicholson Esqr Capt Genl

the honble { Coll^{o} Henry Jowles, Thomas Tench Esqr, Coll^{o} Cha Huchins; Coll^{o} Iohn Addison & Tho Brooke Esqr }

Read the Petition of Captain Ebenezer Blakiston Complaining against Mr Edward Catharst Merch^{t}

The said Petition is referred to his Majestys Atty Gen[l] to make due Prosecution & to see that Iustice be done therein Lib. X.

Major William Barton having very well behaved himself & Shewed his Loyalty & Affection to his Majesty he is recommended to be Commissionated Sheriff of Prince Georges County upon the expiration of M[r] Tho Greenfields Sheriffaldry

November the 11th 1698

The honbłe his Majestys Council sate present as Yesterday

M[r] Charles Carrol Council at Law of his Lordship the Lord Baltimore Lord Proprietary of this his Majestys Province of Maryland being sent for appeared before the Board & his Excellency tells him that he understands that he hath given out that the house of Iohn Perry lately dec'd is escheated asks him how his Lordships Agents here pretend to turn People off of their Lands & sell them as Escheated without an office found & Commands him to produce him an Authentick copy of his Lordships Charter M[r] Carol Says he has no such Copy of his Lordships Charter but believes there are several of them in the Province he is Commanded to produce one with all Convenient speed p. 185

Then read the petition of Philip & Samuel Norwood Complaining that the Lord Baltimores Agents had turned his Tenant out of a certain Tract of Land & kept the same against him pretending the same is Escheated altho no Office found

Whereupon ordered that Colonel Henry Darnal attend the Board & give his answer to the said Complaint

Coll[o] Darnal & M[r] Carrol appear at the Board the said Petition being read is as followeth viz[t]

To his Excellency Fra Nicholson Esq[r] Cap[t] Gen[l] & Gov[r] of Maryland in Council

The humble Petition of Philip Norwood & Samuel Norwood of Ann Arundel County Planters humbly sheweth

That your Petitioners being in Possession of a piece of Land in Ann Arundel County called Batchelors hope & one other Piece of Land adjoyning to the same called Chance containing in the whole about 240 Acres Which your Petitioners purchased of one Will[m] Peck of the same County in Fee Simple but so it is that the Agents of the right honbłe the Lord Proprietary of this Province pretending that the said Lands are Escheated to his said Lordship have entred into the said Lands & the Tenements thereon standing & keeps the same against your Petitioners altho your Petitioners had a Tenant in possession of the premises on

Lib. X. behalf of your Petitioners whereby your Petitioners are utterly defeated of their Estate in the same Lands & Tenements & that without just or Legal Tryall at Law

The premises considered your Petitioners humbly pray they may be restored to the Possession of their Lands by Such means as the Law directs until the right in Law shall be Iudicially determined

And they shall ever pray &c[a]

Col[o] Darnal gives his answer in writing thus viz[t] that the Land mentioned in the petition was granted by his Lordship in England to M[r] Charles Carrol further the said Colonel Darnal endorsed thus upon the back of the said Petition viz[t] upon debate of this petition his Excellency doubting by what right his Lordship the Lord Baltimore Claimed Escheats in this Province & Answer being made by the Agent of the Lord Baltimore that his Lordship claimed the same by virtue of his Charter & his Excellency desiring that an Exemplification of the Charter be produced & there being now none in the Province his Lordships Agent humbly craves time to send for one to give his Exc[y] Satisfaction & in the meantime promises to forbear executing any thing further Relating to the point wherein his Exc[y] wants Satisfaction

Hen Darnal

p. 187 The Said Petitions & Answer thereon referred to his Majestys Council at Law viz[t] M[r] Rob[t] Gouldesborrough who reports that he is of Opinion his Lordships Agents Ought to have time allowed him to bring in the Exemplification of his Lordships Charter & in the mean time that if any wrong be done to the Petitioners they may be relieved by an Action brought according to the ordinary course of Proceedings at Law

His Excellency being pleased to say that his Majesty the King of England will not take any Lands into his hands as escheated without a Iury of Inquest found according to Law & Coll[o] Darnal Seeming to Laugh Contemptuously in his Excellencys face is told that without he forbears therefrom he will be Laid by the heels

Coll[o] Darnal says that the Lord Baltimore has always claimed escheat Lands in this Province his Excellency asks Coll[o] Darnal how he acts upon the Sales of such Lands without an Exemplification or Duplicate of his Lordships Charter Coll[o] Darnal says he has a Commission which he being required to produce says it is relating to my Lords Private Concerns & hath it not about him

The honble Iames Frisby Esqr says that his Father in the time of the Lord Baltimore bought some Land of his Lordship which was escheated & so found by a Iury of Enquest Lib. X.

Whereupon it is observed that the reason why the Lord Baltimores Agent do not get the Office for Escheats settled in this Province is because his Lordship will not do any one act to acknowledge his Majestys Government here

Whereupon on Consideration of this Petition & the petition of Joseph Iohnson of Dorchester County advised that some remonstrance be made to their Lordships the right honble the Lords of the Council of trade & Plantations that some care may be taken & directions given for the Settling this matter of escheats here for want whereof several ill Consequences may ensue to the disturbance of this his Majestys Province & Especially in regard that the methods now used by his Lordships Agents in setling Lands where no heir appears here without any inquest found thereon is nothing but a delusion & fraud to the unthinking people that purchase the same & have nothing but his Lordships Right therein p. 188

November the 12th 1698

The Council Sate present as yesterday

Produced & read a Letter from the right honble the Lords of the Council of trade & foreign Plantations to his Excellency the Governor dated at Whitehal the 23^d of August 1698 giving an Acco^t of his Majestys Pleasure to remove him to Virginia

Produced & read a copy of the Kings order in Council of the 7th of November 1695 Concerning the Bounds of this Province

A Duplicate of his Majestys Letter to his Excellency about Supressing illegal Traders dated the 27th of April 1697

Also a Duplicate of their Lordships Letter of the 2^d of September 1697

November the 15th 1698

Present

His Excellency the Governor

the honble { Coll^o Henry Iowles Chancellor
Thomas Tench Esqr
Coll^o Cha Huchins
Coll^o Iohn Addison } of his Maj^tys Council p. 189

Robert Smith &
Thomas Tasker Esq^rs } Iustices of the Prov^l Court

Lib. X. His Excellency Sr Edmd Andros his Majestys Lieut & Govr General of Virginia's letter being read & Considered Advised that the following answer be returned thereto vizt

Sir

By Joseph Man I received your Excellencys Letter of the 17th of October last with an inclosed copy of your Proclamation for the apprehending of Mr John Cood Senior & if the warrant which you mention therein were in force why was not he taken by it when he was with your Excellency the last spring which is here proved upon Oath your Excellencys Proclamation seems to me to be like one of the Watch houses on the Barbary Shoar to give notice when the Christians are Coming to take them that they may fly to it for Safety because as yet no news of the said Coods being taken (altho he has had the Confidence and Impudence to write a Letter to one of his Majestys honble Council here dated the 20th of October last) is come to

Your Excys most humble Servant
Fra Nicholson

The Continuance or discontinuance of the two Parties of Rangers on Potomack having been debated in the Assembly Resolved that they should be disbanded Ordered that the
p. 190 honble Collo Iohn Addison take care to discharge them & pay them as far as the Tobacco raised & allowed them will amount to & that he see their quarters paid of also that the said Collo Addison & Mr William Tanyhill pursuant to a former ordinance of Assembly see their several Accots fairly Stated in order to be paid in the next years Levy if any remaining due to them

Whereas by the publick Treasurers Accot it appears that very few Officers have paid the impositions by Act of Assembly laid upon their respective Offices

Ordered therefore that the several Sheriffs return an Accot to the said Treasurers of who have & who have not paid & that the said Treasurers upon their refusal to Comply therewith acquaint his Majestys Atty General who is hereby ordered to prosecute them

Ordered that the several Clarks of the respective Counties return a list of what Officers are in their said County who ought to pay the said Impositions

Ordered that Mr Sly Clark & Masons fines Amounting to the sum of 16000 ℔ of Tobacco be by the Committee for Stating the publick Revenue appropriated for payment of those persons who had great Trouble Given them by their

means & that Mr Atty General make Report what charge said Lib. X.
Clark Sly & Mason ought to pay & the rest of the Tobacco to be divided proportionably & paid by whom it appears to be due

Ordered that Mr Atty General make Report whether Popish Priests Quakers &c^a may marry people without their Banns published or License Granted & whether Such persons are not obliged to register their Births Marriages & Burials &c^a according to the Act of Assembly

Whereas there is this last Assembly Enacted a Law Im- p 191
powering the Several Vestry to tax their parishioners yearly the Sum of 10 ℔ Tobacco ꝑ pol for repairing Churches & buying of Books &c^a

Ordered that the Several Vestrys take care that all the Laws relating to them be fairly Transcribed and that they be Complied with & that Books &c^a be bought as the law directs

Ordered that the Trustees of the Cool Springs see the Act lately made relating thereto be put in Execution

His Excellency is pleased to say that he will go and see the Land laid out & a proper place to build the Tenements in

Ordered that Mr Atty Genl take care about the Navigation Bonds Scire facias issue to receive the Iudgments but that the executions be Suspended

Robert Handcocks Petition read & being matter of Law is referred to Mr Atty Genl

Ordered that when the publick Revenue & the several Acco^ts are Stated that warrants be drawn for his Majestys Receivers to pay what is due to his Excellency the Governor according to his Majestys Royal Instructions & the Act of Assembly

Ordered that the Clerk of the Provincial Court give his Majestys Atty General a full Acco^t of all fines & Forfeitures & Amerciaments who is to take care to have them Levied

Ordered that George Plater & George Muschamp Esq^rs his Majestys Receivers return fair Transcripts of all Acco^ts to the Right Honourable his Majestys Auditor General

[Bond of Philip Clarke and Michael Miller.]

Maryland ss

Know all men by these p^rsents That we Philip Clarke of St Maryes County Gent and Michaell Miller are holden and firmly bound unto our Sovereigne L^d the King in the full Sum̄e of five hundred pounds Sterl to be paid to the s^d L^d the King his heirs & Successors to the which paym^t well and truly to be made we bind our Selves our heirs Ex^rs and Adm^rs Iointly

Lib. H. D. and Severally firmly by these p^r^sents Sealed with our Seales & Dated this Seaventeenth day of Nov^ber^ 1698

The Condition of this Obligation is such that whereas the Above bound Philip Clark have been lately Comitted of the breach of An Act of Assembly of this province and of Speaking and Utterring diverse falce Defamatory and Scandalous
p. 241 words Ag^t^ his Matys Governo^r^ of this province and for which he hath been Sentenced by the Iustices of the Prov^ll^ Court before whom the same was tryed to suffer Six months Imprisonmen^t^ and pay Six Thousand pounds of Tobbaco and whereas Intercession has been made for the s^d^ Philip to his Ex^cy^ the Govern^r^ by his Matys hon^ble^ Councill a great number of the house of Delegates his Matys hon^ble^ Justices and the Grand Jury of this Province this p^r^sent prov^ll^ Court praying his s^d^ Ex^cy^ the Govr to Extend his Matys Mercy to the s^d^ Philip in remitting his Imprisonm^t^ taking such Bond or Obligation for the p^r^servation of the peace as should be thought Necessary wch his Ex^cy^ has been pleased to grant If Therefore the s^d^ Philip do avoyd the s^d^ Crimes for the future well and peaceably behave & abear himselfe towards this his Matys Governm^t^ And all other his Matys Subjects and be of good behaviour in the Province an do appear at the next Prov^ll^ Court to be held att this Porte & Town of Annapolis on the 9th day of May next Ensueing and there Attend from day to day till he shall be discharged by the s^d^ Court Then this Obligation to be Voyd & of none effect or elce to remaine in full force & Virtue

Sealed & Delivered in open Court freely & Spontanimously in p^r^sence of
C. Gregory Clk Pro^ll^ Court
Wm Dent

Philip Clarke [Seale]
M. Miller [Seale]

[Bond of Philip Clarke and Elias King.]

Know all men by these p^r^sents That we Philip Clarke of St Mary's County Gent and Elias King of Kent County merch^t^ are holden and firmly bound unto our Sovereigne Ld King Willm the third of England &c in the full Sume of twelve Thousand pounds of good sound merchantable leafe Tobb: and Casque to be paid to the s^d^ Lord the King his heires or Successo^rs^ To the which paym^t^ well and truly to be made we bind our Selves our heires Ex^rs^ and Adm^rs^ Iointly and Sev^r^ally by these p^r^sents sealed with our Seales and Dated this 18th day of November 1698

The Condition of this Obligation is such th^t^ if the above bound Philip Clark do and shall well and truly Satisfy & pay

unto Henry Lowe High Sherriffe of S[t] Marys County for his Matys use and Service in defraying Severall publick Charges the full and Iust Sum̄e of Six thousand pounds of good sound merchantable Tobbacco and Casque Convenient in S[t] Marys County att or before the 20[th] day of December next Ensuing the Date hereof without fraud or Covin then this Obligation to be Voyd or else to remaine in force

Lib. H. D. p. 242

Philip Clarke [Seale]
Elias King [Seale]

Signed Sealed and Delivered in the p[r]sence of
Richard Beard
Will[m] Dent

The Acc[t] Currant of the 3[d] ꝑ hhd for the Church ꝑ Act of Assembly D[r]

	l.	s.	d.
To his Ex[cy] for building the Church	1000.	00.	00
ꝑ George Plater Esq[r] the ballance of his Acc[t] 9[br] 1[st] 1698	94.	18.	06
	1094.	18.	06
	l,	s.	d.
Brought forward	1094.	18.	06
By ball due to the Country	0128.	14.	03
	£1223.	12.	09
D[r] to the ball of the Above Acc[t]	128.	14.	03
Due to ball of this Acc[t] which is Come to his Ex[cys] Creditt in Another Acc[t]	000.	05.	04
	128.	19.	07

ꝑ Contra Cred[r]

By Sundry payments made to his Ex[cy] to the 8th of June 1697 as Appears in y[n] Councill Book folio 144	176.	00.	01½
By Maj[r] Kings and M[r] Wests Acc[t]	10.	19.	1½
By Ditto ꝑ Cash rec[d] of John Rock July the 15 1697	02.	17.	1½
By Ditto ꝑ Maj[r] Dents Acc[t] Nov[r] the 1st 1698	01.	16.	09½
By Waladen's Acc[t] to the 25th of October	75.	11.	03
By p[d] ꝑ George Plater Esq[r]	197.	15.	00
	664.	19.	05
By Cash his Ex[cy] rec[d] of M[r] Coats for Tobbacco sold him	195.	18.	04

Lib. H. D.	By his Ex^{cys} Gift to the Church	100.	00.	00
	By Capt Holland or Mr Chews bond due for Tobbacco	262.	15.	00
		1223.	12.	09
	By Sundry Bills of Exch rec^{d} of his Ex^{cy} amounting to	128.	19.	07

Errors Excepted p
Thos. Tench } Richd Hill
Jo^{n} Hamond } Sam^{ll} Young

[Bond of Samuel Chew.]

Know all men by these p^{r}sents that I Sam^{ll} Chew of Ann^{ll} County Merch^{t} am holden and firmly bound unto his Ex^{cy} ffrancis Nicholson Esqr principall & Sole trustee for Carrying on the building of the Church of Annapolis by Authority of Assembly in the full Sume of five hundred thirty five pounds ten shillings good and Lawful money of England to be paid to the s^{d} ffrancis Nicholson his heires or Assignes to the which paym^{t} well and truly to be made I bind my Selfe my heires Ex^{rs} & Adm^{rs} firmly by these p^{r}sents Sealed with my Seale and Dated this 21 day of y^{ber} Ano Dni 1698: The Condition of this Obligation is Such that if the above bound Sam^{ll} Chew his heires Ex^{rs} or Assignes do well and truly Satisfy and pay to the s^{d} ffra: Nicholson his heires Ex^{rs} or Assignes for the use and towards the building the Church afores^{d} the full Sume of
p. 240 two hundred Sixty-two pounds fifteen Shillings in Lyon Dollars att four shills & Six pence p Doller to be paid att two Equall payments and at such times as by the said ffr: Nicholson Esqr his heires Ex^{rs} or Assignes shall be required or Demanded and that without fraud Covin or further delay then this Obligation to be Voyd or else to remaine in full force and Virtue.

Sealed Signed & Delivered In p^{r}sence of Thomas Tench John Hammond — Sam^{ll} Chew [Seale]

Copy of rec^{t} given Mr Chew in passing this Bond

Rec^{d} of Sam^{ll} Chew of Ann^{ll} County Merch^{t} A bond under his hand & Seale for five hundred thirty five p^{ds} ten shills Sterl Conditioned for paym^{t} of two hundred sixty two pounds fifteen shillings in Lyon Doll^{rs} att four shillings & 6^{d} p Doller att two paym^{ts} payable to me the Subscriber for the use of the

Church att Annapolis the s^d^ Bond bearing Date with this Lib. H. D.
p^r^sent receipt which when paid is in full for fourty thousand four hundred twenty four pounds of Tobb: recovered on his Matys Bond lately Sued in the Prov^ll^ Court ag^t^ Willm Holland the s^d^ Sam^ll^ Chew & William Cole the afores^d^ money when p^d^ being in full of s^d^ Sum̄e & all Interest allowed thereon I say rec^d^ this 21th day of 9^ber^ 1698

being p^r^sent — Francis Nicholson

Tho: Tench — Vera Copia

John Ham̄ond — Willm Dent

The Acc^t^ Curr^t^ for the 3^d^ p hh^d^ D^r^
1 ¼ of 12^d^ p Arms p. 243

	l.	s.	d.
1698 To Sundry Bills of Exch Sent p his Ex^cy^ to Mr Miller to be laid out in Arms	250.	00.	00
Due from his Ex^cy^ to ball	074.	03.	06
	324.	03.	06

p Contra C^r^

1695 By Capt John Huile Omitted in Mr Platers former Acc^t^ now in his Ex^cys^ hands	08.	11.	00
8^ber^ /97 By Mr John West his Acc^t^	07.	10.	03
By Maj^r^ Kings Acc^t^	03.	04.	04½
By Cash Rec^d^ of John Rock p his Ex^cy^ July the 15th 1697	02.	17.	01½
1698 To W Bladen Acc^o^ from May 23^d^ to October the 25th /98	82.	02.	03
9^br^ by 1° By Mr Plater	197.	15.	00
By Mr West	022.	03.	06
	£ 324.	03.	06

Erro^rs^ Excepted p

Thomas Tench
John Hammond
Richard Hill
Sam^ll^ Young

Province of Maryland D^r^
To his Excell^cy^

	l.	s.	d.
To money Disbursed att Severall times to Severall psons upon Acc^t^ the Rangers Indians &^c^	47.	09.	00

Lib. H. D. By Micajah Perrys Acc[t] for Locks, Keys, hinges &c for the State house	03.	12.	02½
	51.	01.	02½
To Posts and rayles for the Church most used att the State house	12.	08.	02
	63.	09.	04½
balance due	10.	01.	01½
	73.	10.	06
20[l] p[d] M[r] Nicholas Smith for M[r] Nobbs must be paid to his Ex[cy] if not to Esq[r] Plater	20.	00.	00
To ball Due to his Ex[cy] on this Acc[t] on the Church Acc[t]	00.	05.	04
	20.	05.	04
p Contra C[r]			
p. 244 By Creditt his Ex[cy] Gives George Muschamp Esq[r] on his Nav[ll] Officers Acc[t]	f.	s.	d.
	22.	00.	00
Ditto to M[r] West	14.	09.	00
D[o] to M[r] Denton	01.	04.	00
W Bladen	25.	00.	00
	62.	13.	00
	51.	01.	02½
Ball Due	11.	11.	09½
Which his Ex[cy] is ready to pay as also what is due to the Country upon the 3[d] p hhd this year w[ch] is not given to the Church			
By S[r] Thomas Lawrence due from him out of M[r] Batemans Acc[t] formerly Delivered through Mistake	10.	11.	06
	62.	13.	00
	73.	10.	06
By ball of the above Acc[t]	10.	01.	01½
By the ball of the Church Acc[t]	10.	04.	03½
	20.	05.	05
Ball due to his Ex[cy] on the above Acc[t]	10.	04.	02½

Erro[rs] Excepted p Thomas Tench
John Hamond
Richard Hill
Samuel Young

Maryland ss. Lib. H. D.

Annapolis 9br 22d 1698.

Recd of his Excy Francis Nicholson Esqr Capt genll and Governr in Chiefe of this his Matys Province the Sume of one hundred Twenty Eight pounds Nineteen Shills and Seaven pence Sterl by five Setts of Bills of Exch indorst p his Excy it being for the like Sume recd by his Excy on the Impost of 3d p hhd on Tobbacco for defraying the publick Charge as p Act of Assembly in tht Case made and provided received by us the Subscribers appointed a Comittee to State the publick Accompts.

Hen: Iowles
Tho: Tench
John Hamond
Richard Hill
Samll Young

Porte of Annapolis Novber the 22d 1698. p. 245

Recd then of his Excy Francis Nicholson Esqr Capt genll & Governor of this Province the Sume of 6 pounds Eight Shillings and two pence being the ball of What money remaining in his Excys hands upon What Accrewed to the ffree Schooles and was paid to his Excy includeing his Excys Guift to the sd Schooles

p me
W Bladen Cl Liber Scholar

Capt Sanders Comandr of the Nonesuch of Biddeford Dr.

	l.	s.	d.
1698 Novbr 15th To Tunnage of 44 Tun att 3d p Ton	00.	11.	00
To 179 hhds att 12d p hhd	08.	19.	00
To the Duty of 3d p hhd to the Governor	02.	04.	09
To Ditto the Country	02.	04.	09
To Dispatches	01.	00.	00
	14.	19.	06

p Contra Creditor

By Bills of Exch Drawn on Geo: Cole Mercht in London for	14.	19.	06

George Plater Recevr

On the back side of sd Acct thus Vizt

Lib. H. D.

Nov^ber the 26th 98.

	l.	s.	d.
Rec^d Then of George Plater one Sett of Bills of Exch drawn by Henry Heard on George Cole Merch^t in London being for Maryland Dutyes on the Ship Nonsuch belonging to Biddiford	14.	19.	06

p me ffr. Nicholson

To his Ex^cy Francis Nicholson Esqr Capt gen and Govr of this his Matys Province and Territory of Maryland &c.

S^r

haveing lately rec^d Intimation from your Selfe and Severall others that his Maty hath thought fitt to remove you to Another Governm^t that of our Neighbour Colony of Virginia and reflecting with our Selves how becoming a thing it is to have all ways a gratefull remembrance of benefitts received
p. 246 we Cannot forbear to leave this Testimony & Acknowledgm^t under our hands as it proceeds from our hearts.

That in your Conduct over us in this place your great Care and Study has been to promote the practice of piety and the worship of Allmighty God by Errecting Churches Scholes & Nurseryes of Learning both for reforming of Manners and Education of youth wherein you have been not onely a large benefactor but an indefattigable promoter, together with your Integrity in Maintaining his Matys hono^r and Authority in this Province your Care in provideing Arms & Military Instruments for defence of it your regulateing and hapy Settlement of the Civill Constitution both as to the Courts of Justice And in bringing us out of Debt which the publick was in into a Condition Clear of Debt and money in bank, by your promotion of good Laws to such purposes, your great Care to Cause Speedy Iustice Administred to all persons, your pious and Iust your noble and benevolent Carriage in all things deserves better penns and would take up more paper then this to recount.

Be pleased therefore hon^rd S^r to Accept of these our humble Acknowledgm^ts for the Same as the Iust tho: Slender tribute of an oblieged people to a generous and good Coverno^r praying to God to bless you So prays yor humble & Oblieged Servants

Hen Iowles Chancell^r Charles Hutchins	Thomas Tench John Addison	Thomas Brooke & James Frisby	his Matys Councill
Robert Smith Tho: Tasker	James Keech John Hamond	John Hawkins	Justices of the Prov^ll Court

Richard Tilghman	Thomas Ennalls	Sam[ll] Young	Lib. H. D.
James Saunders	Tho: Hicks	William Hutchison	
William Taylard	Jacob Lockerman	William Barton	
John Carvile	John Bozmane	John Lows	
Hans Hanson	Sam[ll] Collins	John fferry	
Thomas Beale	ffrancis Ienkins	John Hall	
Willm Harris	Walter Lane	M: Miller	
Rich[d] Hill	Thomas Smith		
John Wight	Symon Willmer	Members of the	
Willm Smith	John Thompson	House of Burgesses	
Ninian Beall	John Whittington		
Thomas Staley	Jacob Moreland		
John Leech	Henry Hawkins		
Philip Lynes	Humphrey Tilson	Thomas Afterberey	
William Comegys	Aron Cunison	William Watts	
Ch Greenbery	Charles Alden	William Mills	
Ephraim Willson	John Rawlins	Tho: Killman	
Charls Beaner	Peter Watts	Grand Juro[rs]	
Ambros Kinimout	John Emerson	16 ꝑsons	

To his Ex[cy] ffra: Nicholson Esq[r] Cap[t] Gen[ll] & Gov[r] of Maryland &c. P. 247

S[r] Allthough we Cannot Approve but dislike former Addresses for the ease and reserve of Philip Clark Yet we are moved to become Intercesso[rs] for him not Approving his Actions but pittying his folly and Misfortunes and not so much for his own as for the Sake of his wife and innocent Children who bears a part of his (Iustly deserved) Sufferings

May it therefore please your Ex[cy] to accept of this our humble Address on his behalfe and Extend his Matys Mercy to him in releasing him from his p[r]sent Imprisonment taking bond of him for his good behaviour and Abearance in such measure as you shall think Convenient for the p[r]servation of his Matys peace &c.

We believe your Ex[cy] in your own Nature Inclined to mercy and Averce to rigour any further than the hono[r] of the King and peace of the province requires which we hope is and will be secured and that we may obtain your favourable acceptance of this we humbly Subscribe

Yo[r] Ex[cys] very humble
Servants

his Mat[ys] Councill	Hen: Jowles Char: Hutchins	Thomas Tench John Addison	John Courts Thom: Brooks	James Frisby
Members of the house of Delegates	Willm Barton Jun[r] Willm Hutchison John Lows Thomas Bayle John Hammond	Henry Hawkins John Bozmane James Smallwood Sam[ll] Collins William Taylard	Walter Lane Thomas Hicks Thomas Staley ffra: Ienkins Sam[ll] Young	Thomas Ennalls Jacob Lockerman Jo[n] Thompson Jacob Moreland Rich[d] Hill

Lib. H. D. Just—Robert Smith Thomas Tasker Iames Keech

Philip Lynes foreman	Ch Greenberry	Ch Tilden	Jon Emerson
William Comegys	Wm Mills	Jon Rawlinson	Wm Watts
Ephraim Willson	Ambros Kinimont	Peter Watts	Aron Teneson
Charles Beamer	Hum: Tilton	Tho: Atterbury	Thom: Killman

Lib. X. p. 192

November the 22d 1698

The Council Sate

Present

His Excellency Fra Nicholson Esq Capt Gen'l

the honble { Colle Henry Iowles, Thomas Tench Esqr, Majr John Hammond, Capt Richard Hill }

Ordered that Proclamation issue that the Court of Chancery Court of Appeals before his Excellency the Govr & Council Court of Admiralty & Commissarys Court will be holden here the 23d day of February next & that unless it should please God that such violent weather should happen by Frost or Snow or otherwise that the Suitors cannot possibly attend the said Courts their causes will not be Continued

Whereas there is no County Levy this year ordered that the Several Vestries within this Province take care to Assess their Parishioners the 40 lb of Tobo p pol as by Law they are Impowered in regard the Burthen thereof will be less this Year than another & that the Vestry men where they see it absolutely necessary that they will lend the same to the Commissioners of the County Courts for the Support of the poor of their respective Parishes to be Repaid them out of the next years County levy & that the Vestrys assess their parishioners as soon as may be the Better to enable the several Sheriffs to Collect the same

Ordered that Copys of the publick Levy be sent to each County Court there to be read & affixed up at the Court House door that all persons may see how the money & To-
p. 193 bacco has been disposed of & how much of the Imposition money was applyed towards easing the Levy

Ordered that the Lord Baltimores Agents be Served with the Order about two Large Tracts of Land

Lib. H. D. p. 249

To all People to whom these Presents shall Come We the Commissioners for Managing and Causing to be Leavyed and Collected his Matys Customs Subsidies & other Dutys in this his Kingdom of England Send Greeting Know ye

That we the said Comissioners have by Virtue of an Act of Parliament made in the 25th year of his late Matys Reigne Intituled Lib. H. D.

An Act for the Incouragmt of the Eastland and Greenland Trades and for better Securing the plantation Trade And in pursuance of the Authority and Direction to us Given by the Rt Honble the Lords Comissioners of his Maty's Treasury Deputed and Impowered and do hereby Depute and Impower John Dansey Esqr to be Collector of all the Rates Dutys and Impositions ariseing and Growing Due to his Maty att North Potomack in Maryland by Virtue of the said Act whereby he hath power to Enter into any Ship Bottom Boat or other Vessell as also into any Shop, House, Warehouse Hostlery or other place Whatsoever to make Diligent Search into any Trunck, Chest, Pack, Case, Trush or any other parcell or package whatsoever for any Goods Wares or Merchandizes Prohibited to be Imported or Exported or whereof the Customs or other Dutys have not been Duty paid and the Same to Seize to his Matys Use and also to put in Execution all other the Lawfull powers and Authoritys for the better Managing or Collecting the sd Dutys in p. 250 all things proceeding as the Law Directs, Hereby praying and requireing All and every his Matys Officers and Ministers and all others whom it may Concerne to be aiding and Assisting to him in all things as becometh Given under our hands & Seales att the Custom house London this 29th Day of November in the Eleaventh year our Sovereigne Lord King William the 3d Annoq Dni 1699

Examr: R. S. C Godolphin, Walter Young, Sam Clark
Robt Henley, Will St Quintin, T: Newporte

January the 1st 1698 Lib. X. p. 193

Present

His Excellency Fra Nicholson Esqr

the { Coll° Hen Iowles Chancellor
Thomas Tench Esqr
Coll° Iohn Addison }

Whereas this Board are made Sensible that several Vestrys have refused to Levy the 40ł ꝑ Poll ordered that Notice be Given to the said Vestries that if any of the poor of their Parishes suffer for want of such assistance they must expect to be prosecuted for contempt

Ordered that Mr Robt Yards Letter & the order about French Soldiers be published

Lib. X. Whereas the Assembly have allowed his Excellency 60ł for the Council Chamber Advised that he pay himself out of the 3d for Arms in his own hands

The Accot whereof stands thus vizt

His Excellency the Governor Dr to the 3d ꝑ Arms [over]	ꝑ Contra By Ballce of publick accts due to his Excellency [over]	£	s.	d.
		28..	8..	6

By the Iournal of the publick Revenue	£	s.	d.	To allowed by the Assemy	£	s.	d.
	167..	5..	3		60..	0..	0
				Ballance due for Arms	78..	16..	9
					£167..	5..	3

p. 194 His Excellency is pleased to say that he will pay the Ballance to his Excellency Colle Blakiston to lye in his hands until his Majestys Pleasure shall be known in regard this Board have thought fit to address his Majesty & acquaint him that the Country is pretty well Supplyed with Arms & Ammunition

Produced and read a Letter from Mr Geo Tubman of Charles County to Major William Dent & another inclosed therein to his Excellency dated the 15th of November praying his Excellencys Clemency & Mercy

Upon which his Excellency being pleased to ask Colle Courts how Mr Tubman had of late behaved himself he says he has heard no ill of him & Major Dent being asked says he hears he has Lived very private & Pensive & seems to be heartily Sorry for his Error Whereupon & upon consideration had of the said Mr Tubmans contrition & submission his Excy with the advice of the Gentlemen of the Council is pleased to order that his Suspencon be taken of but that he be not admitted to Officiate in Prince Georges County & Charles nor yet in any other part of the Province until he has made his Application by Colle Courts to his Excy the Govr for the time being

Read a Letter from his Excy the Earl of Bellamount dated at New York the 12th of November 1698 Which being Concerning the Indians there it is advised to be Communicated to his Excellency Colo Blakiston for his Majestys Service

Ordered that his Majestys Receivers send home to England the Accot of the 3d ꝑ Arms

Ianuary the 2d 1698/9 Lib. X. p. 195

The honble his Majestys Council Sate

Present

His Excy the Captain General &ca

the honble { Collo Hen Iowles Chancellor, Thomas Tench Esqr, Collo Iohn Addison, Collo John Courts } of his Majtys Council

His Excellency acquaints the Gentlemen of the Council that he now called them together in order to deliver up the Charge of the Government to his Excellency Collo Nath Blakiston whom his Majesty has been Graciously pleased to appoint Govr & Commander in chief of this Province & that he is sorry that the Season of the year will not admit of any Solemnity wherewithal to honour the publishing of the said Commission

Produced & read the honble John Povey Esqr his Letter of the 27th of October last relating to Navigation Bonds Whereupon ordered as heretofore ordered that his Majstys Atty General take care to keep the Iudgments upon such Navigation Bonds in force that his Majesty may receive no prejudice for want thereof

Upon reading the other part of the said Letter wherein it is said that George Muschamp Esqr has not taken care to send home the publick accot of the Country Revenue the said Esqr Muschamp is sent for & being asked says he has received no particular Orders therefore but has transmitted the said accot until March last & will now transmit the rest as fast as he can get them from the Secrys Office

George Plater & George Muschamp Esqrs make oath to p. 196
their Several Accots lists of Shipping &ca Ordered that what Collectors & Naval Officers has not made oath to their Accots & Lists of Shipping that they make oath to the same before the next adjacent Counsellor

Came his Excellency Nath Blakiston Esqr & produced his Majestys Royal Commission under the Great Seal of England bearing date at Westminster the nineteenth day of October in the tenth year of his Majestys reign Constituting & appointing his said Excellency Collo Blakiston to be his Majestys Captain General & Commander in chief in & over this his Province of Maryland

Whereupon Several Commissions & Letters &ca being produced read the Commission appointing several Persons to Administer the oath appointed by the Act of Parliament of the 7th & 8th years of his present Majstys Reign intituled

Lib. X. an act for preventing frauds & regulating Abuses in the Plantation trade to his Excellency Coll° Nicholson which he delivers to his Excellency Coll° Blakiston & withal tells him that he thought it for his Majestys Service that the several Officers of the Customs in this Province should take the same oath which he had caused to be administred to them & delivers the Commission to Coll° Blakiston

Then read his Majestys Commission under the Seal of the Admiralty impowering his Excellency the Governor of this Province to constitute & Commissionate a Iudge Advocate & Register in the Provinces of Maryland Pensylvania & West Iersey which the Clark of the Council is ordered to keep his Excellency say that he has appointed Iudge the honble
p. 197 Tho Tench Esqr One of his Majestys Council Iudge in this Province who he has always found faithful & Loyal to his Maj^sty & had more then ordinary Trouble in attending upon Councils at this place

And he has appointed the honble Robert Quary to be Iudge of the Court of Admiralty in Pensylvania & West Jersey

His Excellency delivers the great Seal of the Prov^s to his Excellency Coll° Blakiston & acquaints him that he did appoint Col° Iowles to keep it whereto his Excellency Col° Blakiston says a very good hand

Then his Excellency proceeds to give a Character of the Gentlemen of his Majestys honble Council whom he says he has always found very Loyal & Faithful to his Majesty & ready in their duty

Acquaints his Excellency that upon his Accession to this Gov^t he had found the Country in some distraction & in debt which difficulties by the assistance of the Gentlemen of the council he had waded through as also Some other Difficulties as suspending Attorneys and denying the oath of Secresy to the clerk of the house of Delegates

Recommends to his Excellency Coll° Blakiston all those Persons whom he leaves in Commission & Particularly Major William Dent & William Bladen whom he had always found very Loyal to his Majesty and ready in their duty

Acquaints his Excellency of the late Comotions & Disturbances in this Province set on Foot by Clark Sly Cood &
p. 198 Mason then a Letter being read from his Excellency Coll° Blakiston dated at London to Coll° Nicholson

His Excellency Col Nicholson is pleased to say that he shall in Honour to his Majesty afford the Correspondence desired & in respect of Coll° Blakistons person the friendship therein so kindly wished which his Excellency Coll° Blakiston says he will always endeavour to maintain as well for his Majestys Service as for Colonel Nicholsons merit

His Excellency delivers to Coll° Blakiston the Earl of Nottinghams Letter by his Majestys Command in favour of Mr Vorsman als Sluyter Moll and Dankers Lib. X.

A Letter from Mr Yard by their Exc^ys the Lords Justices Command for the releasment of several French Soldiers if within this Province

The honble John Povey Esqr his Letter about the Agency of this Province

The last Letter of the right Honble Lords of the Council of Trade & Plantations together with the Order of his Majesty in Council Concerning the Boundary Lines of this Province to be run Mr Penns Letter to Govr Markham.

Read 3 Letters of Mr Poveys & delivers Copies of those parts of them which relates to the Affairs of this Province

Communicates his Excellency the Earl of Bellamounts Lre & delivers a Copy thereof

Read Mr Isaac Milners Letter concerning arms & Delivers it to his Excellency Coll° Blakiston whom he acquaints that the Country being now well Supplyed with Arms & Ammunition his Majesty has been adressed to apropriate part of Ou^r Part of the Revenue referred for that use to defray the expences of the Council

After which his Excellency delivered to Coll° Blakiston Bills of Exc° with Letters of Advice to Mr Micajah Perry & Company Merch^ts in London for 78^l 16^s 9^d being the full Ballance of what his Excellency had received upon that Acco^t p. 199

His Excellency tells Govr Blakiston that what claim he makes is to the half of the 3^d ℔ Tonnage on Ships in the Country before his Excellencys Commission for Virginia Arrived & the half of the duty on Tobacco on Board at that time

His Excellency delivers the Communion Plate given by his Majesty for the Church at Annapolis which is ordered to be lodged in the Clerk of the Councils Office vizt two large Flaggons a Cup two Pattins & a Receiver

Acquaints his Excelleny with the Ordinance of Assembly about the Church & free School and Mr Thos Feilder & Mr Crofts being called in are charged to take Care of their undertaking of the work of the said Church & Free School

His Excellency Col° Blakiston says he should be glad to see so good a work finished

His Excellency Coll° Nicholson presents Capt Richd Hill to his Excellency Col° Blakiston & says he has been always ready to Serve his Majesty & that he had been Recommended to have been of his Maj^stys honble Council but knows not how it happened that he was not

Mr Mathew Driver presented to his Excellency Coll° Blakiston his Excellency Coll° Nicholson says he has made Infor-

Lib. X. mation of some illegal Traders designed into this Province which information is now in the hand of the Clk of the Council

p. 200 Tells Coll° Blakiston that he may see the State of the Church in the Several Acts of Assembly & other the proceedings & that the Ministers upon all Occasions wait upon him & give him an Account thereof

And Lastly Recommends the Welfare thereof to his Excellency Col° Blakiston who says he shall always Endeavour the Encouragement & Promotion thereof

W Bladen Cl Concil

Maryland ss

By his Excellency the Govr & Council

Port of Annapolis January 2^d 1698/9

Ordered that George Muschamp Esqr his Majestys Receiver of the Districts of Potomack & Pocomoke pursuant to his Majestys Royal Instructions unto me Fra Nicholson Esqr Captain General & Govr in chief of this his Maj^stys Province pay unto me one Hundred & Fifty four pounds & Nine pence Sterling being the Ballance of his Acco^t this day given in of the three fourths of the twelve pence ꝑ hhd by his Majestys Instructions aforesaid given & ordered to be paid me

Fra Nicholson

On the Back of the said Order was thus Endorsed vizt

Port of Annapolis Ianuary 2^d 1698

Then Rec'd of George Muschamp Esqr Receiver of his Majestys Dutys of Potomack & Pocomoke Districts the within Sum of one hundred & fifty four pounds & Nine Pence Sterling by me

Fra Nicholson

p. 201 Maryland ss

By his Excellency the Govr & Council

Port of Annapolis Ianuary 2^d 1698/9

Whereas George Muschamp Esqr his Majestys Receiver of the Districts of Potomack & Pocomoke hath already paid unto George Plater Esqr thirty one pounds four Shillings & nine pence Sterl by the said George Muschamp rec'd of the fourth part of the 12^d ꝑ hhd given by his most Sacred Maj^sty for the Suplying this Province with Arms & Ammunition &c^a which the said George Plater was directed to apply to the purchasing thereof but forasmuch as the said George Plater hath not fully Complied with the directions given him therein ordered therefore that the said Geo Muschamp pay unto his Excellency Fra Nicholson Esqr Capt Genl & Govr in Chief in & over this his

Maj$^{sty's}$ Province &c^{a} Sixty two pounds five Shillings Sterl Lib. X.
being the Ballance of his Acco^{t} this day given in of the said qu^{r}
part of the 12^{d} ꝑ hhd so by his Majesty allotted as aforesaid
Signed ꝑ Order
W Bladen Cl Concill

On the Back whereof was thus Endorsed
Then Received of George Muschamp Esqr his Majestys Receiver of the District of Potomack & Pocomoke the Sum of Sixty two pounds five Shillings Sterl
Fra Nicholson

PROCEEDINGS

OF THE

COUNCIL OF MARYLAND

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

NATHANIEL BLAKISTON, ESQ.
Governor.

1698/9–1702

Maryland ss

At a Council held at the Town & Port of Annapolis the 2d day of Iany In the tenth year of the reign of our Sovereign Lord William the third by the Grace of God of England Scotland France and Ireland King Defender of the Faith &ca Annoq Dni 1698/9 Lib. X. p. 202

Present

His Excellency Nathaniel Blakiston Esqr Captain General and Governor in chief in & over this his Majestys Province

the honble { Collo Hen Iowles, Tho Tench Esqr, Collo John Addison, Collo John Courts, Majr John Hammond } of his Majestys Council

Produced and read his most Sacred Majestys Royal Commission under the Great Seal of England dated at Westminster the nineteenth of October in the tenth year of his said Majestys Reign &ca Annoq Dni 1698 constituting & appointing his said Excellency Nath Blakiston Esqr Captain General & Governor in chief in & over this his Majestys Province of Maryland & after the reading & publishing whereof his said Excellency Nathaniel Blakiston Esqr took the Oaths appointed by Act of Parliament instead of the Oaths of Allegiance & Supremacy which were administred to him by the Gentlemen of his Majstys Council his said Excellency also Subscribed the Test & Association after which he took the Oath appointed By Act of Parliament Annis 7o & 8o of his present Majesty Intituled an act for preventing frauds & Regulating abuses in the Plantation Trade p. 204

And then proceeded to administer the oaths of Allegiance &ca & the oath of Counsellor to the Several Gentlemen of his Majestys Council now present which they took & afterwards Subscribed the Test and Association

William Bladen Sworne Clk of his Majstys honble Council took the said oaths appointed by act of Parliament instead of the oaths of allegiance & Supremacy & Subscribed the Test & Association

Then was produced & read his Excellencys Proclamation under the Great Seal of this Province for the Continuing of all Officers civil & Military in their Respective Stations until further orders from his Excellency & his Excellency is pleased to deliver the Great Seal to the honble Collo Henry Iowles

Lib. X. Several Gentlemen present vizt Captain Richd Hill One of his Majestys Iustices of the Provincial Court Maj^{r} William Dent his Majestys Atty General Mr Samuel Young one of the Masters in Chancery Mr Christopher Gregory Clk of the Provincial Court Peter Jennings Esqr his Majestys Collector of the district of Puttuxent Geo Plater Esqr Receiver & Naval Officer of the said District Mr Edward Batson Register of the Perogative Court & Naval Officer of this port of Annapolis Mr Richd Beard high Sheriff & Mr Orlando Greenslade Coroner of Ann Arundel County all took the Oaths appointed by Act of Parliament instead of the Oaths of Allegiance & Supremacy & Subscribed the Test & Association

p. 205 Tuesday Ianuary the 3^{d} 1698/9

The Council Sate present as Yesterday

His Excellency Francis Nicholson Esqr late Govr of this Province & now his Majestys Lieu^{t} & Govr Genl of the Colony of Virginia being present his Excellency is pleased to desire his advice at the Board

And it coming under consideration whether it may not be for his Majestys Service that the present Assembly now on foot should not be dissolved his Excellency desiring the advice of the Council they do say that they do not think it will be for his Majestys Service that the said Assembly should be dissolved for that several Laws imposing Duties for the Support of this his Maj^{stys} Gov^{t} would Determine thereby

His Excellency observing that the said Assembly stands prorogued until the 28th Day of Iune next is thereupon pleased to communicate to the Board one of his most Sacred Majestys Royal Instructions to him whereby he is required to convene the General Assembly with all Convenient speed after his arrival here & requires them to give him their opinions whether the said Assembly may be sooner Conveened notwithstanding their being so prorogued

To which the Gentlemen of the Council do Severally say that they do not think the Assembly can be sooner conveened for that they do not know or ever heard of any such President therefore

p. 206 His Excellency is pleased to say that he will Always go along with the Gentlemen of the Council & be glad upon all Occasions to take their advice for his Majestys Service, for that he is made Sensible of their Loyal Affections to his Maj^{sty} & their Knowledge & experience in the Affairs of this Province

Then was read the Opinion of his Majestys Atty General Lib. X.
& Council at Law to whom the Question this Day by his Excellency proposed to the Board about the General Assembly meeting was likewise Referred to make report thereon which is as Followeth viz[t]

To his Excellency the Governor & Council

I have considered the Question & perused Authoritys treating of the Subject and find that it is his Majestys Prerogative Royal to call Prorogue & adjourn Parliaments at his Royal will & Pleasure & I take it that his Majesty hath delegated his Authority for the Government of this Province in that point on your Excellency with the advice of the honble Council some peculiars to his Majesty reserved

That taking as we ought the Kings Pleasure & will to have a constant Regard to the Nations Good and Welfare I am inclined to the Opinion that his Majesty on great & Emergent Occasions by virtue of the Perogative Royal may call a Parliament sooner than the precedent adjournment appointed but this I have not any express Authority for at present but by a rational deduction of the Premises & if it may be so in the Primative

It may on like Occasions be so here in the Derivative p. 207
which is humbly Submitted to your Excellencys Consideration by Your Obedient & faithful Serv[t]

W[m] Dent

I am of the same opinion

Geo Plater

It being Represented to his Excellency that the Court of Chancery the Court of Governor and Council for hearing appeals & the Commissarys Court of Probate of Wills now Stand appointed & adjourned until the 23[d] of February next at which time it is feared the Suitors will by the hard weather be impeded from attending the said Courts his Excellency is pleased with the Advice of this Board to issue his Proclamation for the further deferring & adjourning the said Courts until the 15th of March next ensuing

His Excellency tells the Gentlemen of the Council that he is sorry to understand that their respective Habitations are at such considerable Distance from this Place the Seat of Gov[t] he having already experienced the Inconveniency & difficulty of calling them together upon any special Occasion therefore assures them that he will never give them the trouble of meeting but when his Majestys Service especially requires it, for which upon all such occasions he will be glad to have their Advice & expects their due Attendance

Lib. X. p. 208 Moved by Mr Atty General how those Bills of Exco shall be taken for the dutys of tobo on Board the Several Ships in this Province before the tenth day of December last being the day on which his Excellency Fra Nicholson Esqr his Majestys late Captain General & Governor in chief of this Province & now Governor of Virginia by virtue of his Majestys Royal Commission entred upon the Government of that Colony

Whereupon ordered that the Receivers & Naval Officers do take the said Bills payable unto his Excellency Nath Blakiston Esqr his Majestys Captain General & Governor in chief of this Province & that they the said Receivers & Naval Officers as also the Collectors take an exact accot from the several Masters of Ships upon their clearing of what Tobaccoes they had on Board before the said Tenth day of December last

Mr Attorney Generals motion to his Excellency to settle the Fees of the Court of vice Admiralty is referred to the next meeting of the Board

His Excellency is pleased to ask the Gentlemen of the Council what time they think most convenient for their next meeting & that the rest of the Gentlemen of the Council & those lately appointed may have due Notice to give their attendance likewise

Whereupon advised & resolved that this Board do meet on Wednesday the 15th of March next ensuing & that the Clerk of the Council write to the several Members of the Board to give their attendance here at that time

p. 209 His Excellency is pleased to ask the Board if they have any thing at present further to offer for his Majstys Service who say not

Lib. H. D. p. 253 You are pursuant to his Matys Royall Instructions to me bearing date at Whitehall the 8th day of March 1694 Vizt Whereas by an Act passed in the Assembly of Maryland the 30th day of March 1679 An Impost of 2s ꝑ hhd is laid on all Tobacco Exported out of our Said province one Moiety of which Impost is by the Said Act Appropriated for the use and Supporte of the Government Our Will and pleasure is that Towards the Maintenance of the Government of our Said province you take to your Own use three fourth part of the said Moiety of the Impost of two Shillings ꝑ hogshead of Tobbacco Appropriated as aforesaid by the said Act And you are to take Especiall Care that According to the Intentions of the said Act the remaining fourth part of the Moiety of the Impost be duly Applyed towards the Maintenance of a Constant Magazine with Arms and Ammunition for the Defence of our said province and by an Order of Councill to pay unto me the sume of nine hundred Sixty Two pounds Sixteen Shil-

lings and Sixpence Sterling for which this shall be yor Suffi- Lib. H. D.
cient warr^{t} Given under my hand this 11th day of March in the Twelvth year of his Matys Reign Anoq Dni 1699.

N. Blakiston

To George Plater Esqr his Matys Rec^{r} of the District of Putuxent } on the back side was thus Endorsed Viz^{t}

March the 11th 1699
Rec^{d} the within Contents by me

N. Blakiston

You are pursuant to an Act of Assembly of this province p. 254
passed the Eleaventh day of October 1694 Intituled an Act for Settling a Revenue on his Matys present Governo^{r} being an Impost of three pence ꝑ hhd upon every hhd of Tobbacco Exported out of this province and by Virtue of an Order of Councill to pay unto me the Sume of Two hundred and fourty pounds fourteen Shillings and one peny half peny Sterling for which this shall be your Sufficient

May it please your Ex^{cy} March the 16th 1698 p. 250
My own particular private Occasions (with all possible Dispatch) Obliging me to be personally in England And So Consequently cannot so well Discharge that Duty I Owe to his Maty and Government in the Station I am now in, humbly request Your Excellency to Appoint such a person as your Excellency shall think most proper to Succeed me in the place of Collector for the District of Putuxent untill his Matys pleasure be further known

I am S^{r}
Yo^{r} Excellencys most
Obed^{t} & most faithfull
humble Servt
P. Iennings

At a Council held at the Town and Port of Annapolis Lib. X.
March 18 1698/9 p. 209

Present

His Excellency the Governor

the honble { Coll^{o} Henry Iowles, Maj^{r} Iohn Hamm^{d}, Ia^{s} Frisby Esqr, Mr Tho Tasker }

Mr Frisby & Mr Tasker take the oaths appointed by act of Parliament instead of the oaths of Allegiance & Supremacy as

Lib. X. also the oath of Counsellors & signed the Test & Association

Upon reading several of his Majestys instructions to his Excellency the Governor as to that Instruction of Revising & Sending a Complete Body of the Laws

It is thought proper to refer the same to the meeting of the Assembly

As to that relating to Sallarys Extortions Fees & table of Fees to be set up in the respective Offices

Resolved that a Proclamation be issued enjoyning every Person holding any Office within this Province to transcribe & Set up a Table of all such Fees as are due to them for any thing transacted in their Several Offices & that they do not demand or extort any more then what are allowable under pain of displeasure & being prosecuted according to Law

p 210 His Excellency is pleased to propose to the Board that whereas the members thereof Live most of them very remote & that it would be a great hardship to Call them upon every small Occasion if they thought fit he would order the Clark of the Council to keep a Journal of such small things as should occur betwixt the several Meetings of the Council to be presented to them at their next meeting for their Assent or Dissent & Gives them an instance or two of a Commission of the Peace which he was obliged to grant for Dorchester County before the meeting of the Council otherwise that County Court could not have Satt & likewise that he had Commissionated one Mr Elias King to be Sheriff of Kent County which Mr King was a Stranger to him but Recommended to be very well affected to this his Majestys Government a man of Substance & Capacity every way well qualified for that Office

Of which the Board well Approving do advise that such journal be kept of those Proceedings to be presented to the Council as aforesaid which is Ordered Accordingly

Ordered that the Several Receivers & Naval Officers have notice to prepare their Acco^ts against the meeting of the next Assembly to be Sworn to & sent for England

His Excellency being required to send an Acco^t to their Lordships the Lords of the Council of trade & Plantations of what Persons in this province are fitting to bear Arms the same is Referred until the Military Officers are Commissionated

p. 211 His Exc^y is pleased to inquire how the Country is Provided with Arms & Ammunition and where Lodged

The Gentlemen of the Council do say that the Country is pretty well Suplied with Arms & ammunition & that his late Excellency Govr Nicholson took care to send to England exact acco^ts of what was in the Country & how diposed of until his departure from this Government

His Excellency was pleased again to ask where the Arms are Lodged & it is answered that they are distributed to the several Counties & Lodged with the Commanders in chief thereof Lib. X.

His Excellency asks the Board how the Militia Stand regulated & whether well regulated or not to which they say they conceive they are not

Proposed by his Excellency that in Regard the several Freemen of this Province are not provided with Arms that it be proposed to the next Assembly that instead of three Barrels of Indian Corn to be paid by every Mas[r] to his Servant when free, he supply him with a Gun of the like Value which the Master shall actually be obliged to deliver to the Freeman who is not to dispose thereof

Advised that the appointing & Commissionating Military Officers be referred until the meeting of the Assembly

His Excellency is pleased to communicate to the Board one of his Majestys Royal Instructions relating to the Conversion of Negroes & Indians & says that he is informed that several Masters hinder & obstruct their Negroes tho Baptized from coming to Church & inquires if there be no Law Providing therefore

To which it being answered that there is none Advised that it be recommended to the Assembly upon their Meeting to redress the same

It being Represented to the Board that several Masters of Ships & Coopers complain of the unreasonable Bigness & Tare of Tobacco Casks Advised that Some care be taken therein & that it be referred to the Assembly to redress the same p. 212

It being moved at the Board by M[r] Atty Gen[l] that whereas the Pink Ioannah of Gosport is Condemned at the Court of Vice Admiralty & the Master Rich[d] Hawks demands an appeal from the Sentence of the said Court to the high Court of Admiralty in England he humbly prays the advice of this Board in what Method & to what Court such appeal shall be granted Whereupon his Majestys Royal Commission to his Excellency being produced & due consideration had of that Cause directing appeals from this Province this Board are of opinion that what appeals are made from this Province to England they ought to be from his Excellency the Governor & Council here to his most Sacred Majesty in his most honble Privy Council there for that his Majestys Pleasure seems plainly so to be signified in his Excellencys Commission wherein the manner of appeals is directed & therefore advised that if the said Captain Hawks will first appeal to his Excellency the Governor & Council here that from thence if he

Lib. X. rests not Satisfied he may have an appeal to his Majesty in Council & not otherwise

Proposed by his Excellency the Governor that whereas this Place is the Seat of Government but that the Parish is so small that it does not afford a competent Stipend for any
p. 213 good deserving divine to officiate here

That it be laid before the next Assembly to anex the next Parish to it that this Place in case Doctor Bray do not come in may be Suplied with some able Divine

His Excellency proposes to the Board that whereas there are several Iudgments upon Navigation Bonds whether it be not fit that Executions should issue thereon

The Board do advise his Excellency that the execut[g] of the said Iudgments be suspended for that they are of Opinion that if any person should be executed therefore they have not wherewithal to make Satisfaction and it would affright many persons out of the Countrey

The Act of Assembly made in September 1694 entituled an Act for Setling a Revenue upon his Majestys present Governor falling under the consideration of the Board & whether it may be justifyable to levy the 3[d] ꝑ hhd therein mentioned to which the Board do answer that they do believe the same is Iustifyable

His Excellency says that he does not pretend to it but that it is in the Country

His Excellency acquaints the Board that a certain Person called Colonel Iohn Cood had lately been with him who he understood to be under some prosecution at Law that the said Cood had told him he had been with the Sheriff of S[t] Marys County & had tendered him Bail & was now come to Surrender himself to Iustice Ordered that the said Sheriff take Bail for his Appearance at the next Provincial Court

Post Meridiem

The Council Sate Present as before

p. 214 M[r] Thomas Lawrence Produced her Majestys Letters Pattents under the Great Seal of Engl[d] constituting him Secry of this Province which were Read as also their Excellencys the Lords Iustices Instructions to him the said M[r] Lawrence whereupon were administred to him the said M[r] Lawrence the Oaths appointed by Act of Parliament instead of the Oaths of Allegiance & Supremacy the oath of Secry of this his Majestys Province & Signed the Test & Association

The said M[r] Lawrence also gave his own Bond in the Sum of one thousand pounds Sterl Conditioned for the due Execution of his Office & was accordingly admitted thereunto

Read the Petition of Sr Thomas Lawrence Bar^t late Secry Lib. X.
of the Province & President of his Maj^stys honble Council
with the report & Order of their Excellencys the Lord Iustices thereunto annexed

Whereupon Ordered that Mr Charles Greenbury Executor of the last Will & Testament of Coll^o Nich Greenbury dec'd be Summoned to attend this Board at the next full Council

Warrant Given under my hand this Eleaventh day of Lib. H. D.
March in the 12th year of his Matys Reigne Anoq Dni 1699.

To George Plater Esqr his Matys Rec^r of the District of Putuxent } N. Blakiston on the back whereof was thus Endorsed

March the 11th 1699

Rec^d the within Contents by me

N. Blakiston

You are pursuant to an Act of Assembly of this Province passed the 20th day of September 1694 Entituled an Act for Tonnage and Settling Navall Offiers ffees being an Impost of three pence ꝑ Ton for every Ton the Severall Ships Trading into this Province are gauged att, And by Virtue of an Order of Councill to pay unto me the Sum̄e of one hundred & Nine pounds Thirteen Shillings Sterling for which this shall be Your Warrant Given under my hand this Eleaventh day of March in the 12th year of his Matys Reigne Anoq Dni 1699.

To George Plater Esqr his Matys Rec^r of the District of Putuxent } N: Blakiston on the back side was Endorsed thus vizt

March the 11th 1699

Rec^d the within Contents by me

N: Blakiston

You are pursuant to his Matys Instructions to me bearing p. 255
Date att Whitehall the 8th day of March 1694 Viz. Whereas by An Act passed in the Assembly of Maryland the 30th day of March 1679 an Impost of Two Shillings ꝑ hhd is layd on all Tobbacco Exported out of our Said Act Appropriated for the use and Supporte of the Government Our will and pleasure is That towards the Maintenance of Governm^t of our said Province you take to your own use three fourth Parts of the said Moiety of Two Shillings ꝑ hhd of Tobb^o Appropriated as aforesaid by the said Act And you are to take Especiall Care that According to the Intentions of the said Act the

Lib. H. D. remaining fourth part of the Moiety of the Impost be duly Applyed Towards the Maintenance of a Constant Magazine with Arms and Amunition for the Defence of our Said Province and by an by an Order of Councill to pay unto me the Sume of one hundred and fifty Six pounds Seaventeen Shillings Sterl for which this shall be your Sufficient Warrant Given under my hand this fourth day of Aprill in the 12th year of his Matys Reign &c Anoq Dni 1700

To George Muschamp Esqr Collr and Recr of his Matys Customs in the District of Potomock } N: Blakiston

And on the back side whereof was Endorsed thus vizt

Aprill the 4th 1700

Recd the within Contents p me

N. Blakiston

You are pursuant to an Act of Assembly of this Province passed the Twentieth day of September 1694 Entituled an Act for Tonnage And Settling Navll Officers ffees being an Impost of three pence per Ton for every Ton the Severall
p. 156 Ships Tradeing into this Province are Guaged att And by Virture of an Order of Councill to pay unto me the Sume of Twenty Six pounds four Shillings and three pence Sterling for which this shall be your Sufficient Warrant. Given under my hand this fourth day of Aprill in the 12th year of his Matys Reigne &c Annoq Dni 1700

To George Muschamp Esqr Collr and Recr of his Matys Customs in the District of Potomock } N: Blakiston

on the back whereof was Endorsed thus Vizt

Aprill the 4th 1700.

Then recd of George Muschamp the Contents within mentioned by me N: Blackiston

You are pursuant to an Act of Assembly of this Province passed the 18th day of October 1694 Intituled an Act for Setling a Revenue on his Matys present Governor being an Imposition of three pence per hhd upon every hhd of Tobbacco Exported out of this province and by Virtue of an Order of Councill to pay unto me the Sume of thirty Nine pounds four Shillings and 3d pence Sterl for which this shall be yor Sufficient Warrant. Given under my hand this fourth

day of Aprill in the 12th Year of his Matys Reigne &c Annoq Lib. H. D.
Dni 1700

To George Muschamp Esqr Collr and Recr of his Matys Customs in the District of Potomock. } N: Blakiston

on the back whereof was thus Endorsed.

Aprill the 4th 1700

Recd the within Contents ꝑ me

N: Blakiston

Govr Blakistons Como for the Vice Admiralty of Maryland

Gulielmus Tertius Dei Gratia Angliæ Scotiæ p. 257
ffranciæ et Hiberniæ Rex Fidei Defensor &c Dilecto et fideli Nostro Nathanieli Blakiston Armigero prfecto Nostro Genrli et Gubernatori principali provinciæ et Territorij Nrōrum de Maryland in America Necnon Gubernatori Nro principali eorund. provinciæ et Territorij Nrōrum de Maryland ꝑr pro Tempore ibid Existenti Salutem, Ad Cognoscendum et procedendum in quibuscunq, Causis Civilibus et Maritimis atq querelis Contractibus delictis Seu quasi delictis Criminibus placitis debitis Exambs Computis, Chartis partis Conventionibus Litibus, Transgressionibus injurijs Extortionibus & demandis ac Negotijs Civilibus et Maritimis Motis Seu Movendis quibuscumque inter Mercatores aut inter Dominos et proprietarios Navium et aliorum Vassorum et Mercatores Seu alios quoscunq cum eid. Dominis et proprietarijs Navium et Ceterorum Vasorum quorumcunq Infra Iurisdictionem Maritimam Admiralitalis Nre prōve et Terij Nrōrum de Maryland in America Occupatorum vel Usitatorum Seu inter quoscunq Alias personas qualitercunq habitis, factis, initis Seu Contractis, pro aliqua re, materia, Causa vel Negotio Seu injuria quacunq infra Iurisdictionem Nrām Maritimam prd Expeditis Seu Expediendis una cum Oibus et Singulis Suis Incidentibus, Emergentibus dependentibus Annexis et Connexis Causis quibuscunq ubicunq Seu qualiterumq humōi Causæ querele Contractus et alia premissa Supra dca vel eorum aliquod Oriri Celebrari, Contrahi vel fieri Contingat juxta jura Statuta Leges Ordinationes et Consuetudines ab Antiquo Observata Accidend et Terminand ac in super in oibus et Singulis querelis Contractibus Conventionibus ac Causis et Negotijs Civilibus et Maritimis ultra mare perficiendis ultrave mare Contractis qualitercunq Emergentibus Seu Contingentibus, Ac etiam in Ceteris Causis et Materijs Omnibus et Singulis quæ Iurisnem Maritimam et Admtis nræ prd in dictis provincia et Territorio Nris de Maryland in America ac partibus p. 258
Maritimis eorundem et eisd. adjacentibus quibuscunq quovis-

Lib. H. D. modo tangunt Seu aliquo Modo Conceruunt vel ab antiquo pertinere debuerunt vel debent et Generaliter in Omnibus et Singulis alijs Causis litibus Criminibus delictis Excessubus, injurijs querelis, Maleficijs Seu quasi Maleficijs Transgressionibus, Regratorijs fforstallarijs et Negotijs Maritimis quibuscunq ꝑ Loca p^rda infra Iurisn̄em Maritimam Adm^tis nræ provinciæ et Terrij Nrōum de Maryland p^rd ꝑ Mare vel Aquam aut Ripas Seu Littera eorund qualitercunq factis, Commissis perpetratis aut Emergentibus Necnon ad inquirendum ꝑ Sacramentum proborum et Legalium homin de dictis provinciæ et Territorio Nris de Maryland p^rd ac partibus Maritimis Eorund et eisd Adjacentibus quibuscunq tam infra libertat et francheis quam Extra ubilibet Commorantium tam de oibus & Singulis que de Iure Statutis legibus Ordinationibus vel Consuetudinibus ab antiquo observatis inquiri Solent vel deberent quam de Wrecco Maris ac de oibus et Singulis bonis et Cattallis quorumcunq proditor pirator homicidar et ffelonu qualitercunq infra Iurisnem Maritimam Adm^tis Nræ provinciæ et Terrij Nrorum de Maryland p^rd delinquentium ac de bonis debitis et Cattalis omnm & Singuloru eorum Manutenentium Accessarior consulentium Auxiliantium vel Assistentium quorumcunq atq etiam de bonis debitis et Catallis quorumcunq personarum ffelonum de se et Cujuslibet personæ felonis de se infra Jurisnem nram Maritman p^rdam quovismodo Seu qualitercunq ad Mortem devenien Ubicunq bona debita & Cattalla humoi aut aliqua parcella eorund per Mare aquam vel Terram in dictis prōva vel Territorio Nris de Maryland p^rs ac partibus Maritimis eorund et eisd adjacentibus quibuscunq tam infra libtes et francheis quam Extra fuerint inventa Seu invenienda forisfacta Seu forisfacienda vel Existentia quæcunq, et Etiam de bonis debitis et Catallis quarumcunq Aliar personar ffelonum de se et cujuslibet alterius persone ffelonis de se infra Iurisnem nram Maritimam p^rd repertis Seu reperiendis Contingentibus quibuscunq et preterea tam de bonis debitis et Catallis quorumcunq Aliorum proditorum ffelonum et homicidarum ubicunq Locorum delinquentium Ac de bonis debitis et Catallis eorum manutenentium Accessariorum Consulentium Auxiliantium Vel Assistentium quam de bonis
p. 159 debitis et Catallis quorumcunq fugitivorum Convictorum Attinctorum Damnatorum Allegator vel in Exigendo pro proditione ffelonia homicidio Murdro Seu aliquo alio quocunque Offenso aut debito qualitercunq posito Sive ponendo Atq etiam de bonis Waviatis fflotzom, Jetsom Lagom, Shares, Thesauro invento Seu inveniendo Deodandis ac de bonis quorumcunq aliorum pro derelictis habitis vel habendis Seu Casu fortuito repertis aut reperiendis vel qualitercunq Debitis aut Debendis Ac de oibus alijs Casualibus tam in Super vel per Mare

Littoraq Crecas aut Costeras Maris vel partes Maritimas Lib. H. D.
quam in Super vel per aquas Dulces portus flumina publica
Rivas Seu Crecas aut Loca Superincindata quæcunq infra
fluxum et refluxum Maris Seu Aquæ ad plenitudinem aut
Super Littora vel ripas alicujus eorund infra Iurisdictionem
Nrām Maritiman p^r^dam qualitercunq quandocunq vel quo-
modocunq Emergen Contingen Sive provenien quibuscunq
Vel Ubicunq bona Debita et Catalla hujusmodi aut Cetera
premissa vel Aliqua parcella eorund infra Iurisdictionem nram
Maritimam p^r^d reperiantur aut inveniri Seu reperiri Contin-
gerint ac in super de Anchoragijs et Lastagijs Seu arenosa
Navium Oneratione et de piscibus regalibus vizt Sturgeonibus
Balenib, Cætis, porperijs delphinis Riggis ac Graspetijs et Gene-
raliter de Ceteris piscibus quibuscunq Magnam Sive ingentem
crassitudinem Sive pinguedinem in Se habentibus ab antiquo de
Iure vel Consuetudine ad nos quovis modo pertinentibus aut
Spectantibus Seu aliquo modo Consuetis Eademq Wreccum
maris ac bona Debita et Catalla ac Cetera p^r^missa oiā & Singula
uacum oibus et omnimodis finibus mulctis exitibus forisfacturis
Amerciamentis redemptionibus et recognitionibus quibuscunq
foris factis Seu foris faciendis et penis pecuniarijs pro Trans-
gressionibus delictis Injurijs Extortionibus Contemptibus et
alijs Maleficijs quibuscunq vel pro aliqua re Materia Seu
Causa quacunq Impositis vel inflictis imponendis vel infligen-
dis qualitercunq in dictis provincia et Territorio Nris de p. 160
Maryland p^r^d ac partibus Maritimis Eorundem et eisd Adja-
centibus quibuscunq in aliqua Curia Adm^tis^ nra ibidem tenta
Seu tenenda p^r^sentat seu Presentand Assidend foris faciend
Seu adjudicand Ac etiam unacum Amerciamentis Exitibus
finibus perquisitis mulctis et penis pecuniarijs quibuscunq ac
forisfacturis quarumcunq recognitionu Coram Nobis Vestrove
Locumtenente deputato vel Deputatis in dictis provincia &
Territorio nris de Maryland predict ac partibus Maritimis
eorundem et eisd adjacen quibuscunq Audiend et terminand
Assignat Seu Assignand Contingen Seu Imposit aut Impo-
nend vel Instigand seu aliquo modo Assidend Offerend foris
faciend Seu adjudicand aut aliquo modo occasione premisso-
rum Nobis vel heredibus Seu Successoribus Nris in ea parte
qualitercunq Debitis Sive Debendis quibuscunq prehendum
Exigendum, Levandum, Capiendum, Colligendum recipien-
dum et obtinendum ac ad usum Nrum ac officis Magni Adm^lli^
Nri Angliæ prædict pro tempore Existen Custodiend et Con-
servand ac in Super recognitiones Cautiones obligationes et
Stipulationes quascunq tam ad usum nrum quam ad quarum-
cunq partium Instantiam pro Conventionibus Seu Debitis
ac alijs Causis quibuscunq Capiend easq Executioni ponend
et Exequi faciend et Mandand Necnon Naves personas res

Lib. H. D. bona merces et mercimonia quecunq pro premissis et eorum quo libet ac alijs Causis quibuscunq ea Concernentibus quibuscunq ea Concernentibus ubicunq Locorum per dict provinciam et Territor Nostr de Maryland pred ac partes Maritimas eorund et eisd adjacentes quascunq infra Libertat et ffrancheis vel Extra fuerint inventa Seu reperta atq etiam pro alijs Conventionibus Causis Seu debitis quibuscunq qualiterunq Contractis Sive Emergentibus Dumodo bona Seu persona debitor reperiantur Infra Jurisnem nram p^r^dam Iuxta Leges Civiles et Maritimas et Consuetudines ab antiquo usitatas realiter arrestandum et arrestari faciend et mandand ipsasq Cum Suis Emergentibus dependentibus incidentibus Annexis et Connexis Causis et Negotijs quibuscunq uacum Ceteris Causis Civilibus et Maritimis atq
p. 161 querelis Contractibus et alijs premissis oibus et Singulis quibuscunq Superius respective Expressis Iuxta Leges et Consuetudines p^r^d ac alijs vijs modis et medijs Legitimis et quibus melius Sciveris aut Poteris Accdiend Examinand discutiend et fine debito terminand ac personas quascunq in ea parte prout Casus Exiget Comparere et respondere cum cujuslibet Coertionis Temporalis alteriusq pene et mulcte potestate Iuxta Leges et Consuetudines p^r^d Compellend et Iustitiam faciend et Ministrand etiam Iuris Ordine Servato Seu velo Levato Sine Strepitu et figura Iudicij Sola facti et rei Veritate Inspecta procedendum reosq et Contemptores ac Iuris Seu Iurisdictionis Adm^tis^ nræ violatores usurpatores delinquentes ac Contumaciter absentes Naucleros Marrinarios, remiges Pyratores Naupegos et alios operarios et Expertos quoscunq res Nauticas quascunq Exercentes Iuxta Iura Statuta Leges Ordinationes et Consuetudines ab antiquo Observata mulctand Corrigend puniend Castigand et reformand ac in quibusumq Carceribus infra provinciam et Territorium nra de Maryland p^r^d Exigentibus in carcerand et in carcerari faciend et mandand incarceratosq quoscunq in ea parte qui Deliberandi fuerint deliberandum et penitus Exonerand et exonerari faciend et Mandand fluminaq publica portus Rivos Aquas Dulces et Crecas quecunq infra Iurisdictionem n̄ram Maritimam p^r^d ubiamq locorum in dictis provincia et Territorio nris de Maryland p^r^d ac partibus Maritimis eorundem et eisd adjacentibus quibuscunq Existend tam pro Conservatione Classis n̄re ac Classium et Navigiorum Regnorum et Dominorum n̄rom predict quam piscium in eisd fluminibus et Locis predictis Crescentium quorumcunq nec non Iura Statuta Leges Ordinationes et Consuetudines ab antiquo Observata in dictis provincia et Territoris nris de Maryland p^r^d ac partibus Maritimis eorund et eisd adjacentibus quibuscunq Conservand

et Exequi et Conservari faciendum oiaq et Singula alia faciend Lib. H. D.
Exercendum Expediendum et Exequend in premissis et eorum p. 162
quolibet prout de Iure et Secundum leges et Statuta Ordinationes et Consuetudines pred fuerint faciend ac in Super retia minis Stricta ac alia ingenia Sive Instrumenta quecunq illicita Circa prensionem piscuim ubicunq locoru ꝑ mare aut flumina publica portus Rivos aquas Dulces Seu Crecas quecunq ꝑ provinciam et Territor nostr de Maryland p^rd ac partes Maritimas eorund et eisdem adjacentes quascunq infra Iurisdictionem Nrām p^rdam ubicunq locorum per Aquam Occupata Sive Exercitata ac Exercitatores et Occupatores Eorund Iuxta Iure Statuta Leges Ordinationes et Consuetudines p^rd puniend Corrigend et reformand Sentenciasq et Decreta quæcunq fulminand promulgand et interponend Eaq Executioni Demandandum Cum Cognitione et Iurisdictione quaruncunq aliarum Causarum Civilium et Maritimanum quæ Sunt Maris Seu quæ Mare vel Maris per Transitum Sive Passagium aut Iter navale Sive Viagium Maritimum vel Iurisnem ñram Maritimam Supradictum Seu loca vel Limites Adm^tis ñra p^rde et Cognitionem Audiam ac alia quecunq Expedita vel Expediend quovismodo Concernunt vel respiciunt etiam cum potestate procedendi in eisd Iuxta Iura Statuta leges Ordinationes et Consuetudines p^rd ab antiquo usitata tam ex officio mero mixto vel promoto quam ad alicujus partis Instantiam prout Casus exiget et Expediens Visum fuerit et Etiam cum Cognitione et decissione de Wrecco Maris Magno, Seu parvo ac de morte Submersione et Visu Corporum mortuorum quorumcunq personar in Mari vel fluminibus publicis portubus aquis dulcibus Seu Crecis quibuscunq infra fluxum Maris et Aquæ ad plenitudinem per dta provinciam et Territoriam Nra de Maryland p^rd ac partes Maritimas Eorundem et eisdem Adjacentes quascunq vel alibi Infra Iurisdictionem ñram p^rdam qualitercunq intersectarum Sive Submersarum aut interficiendaru Seu Submergendarum Sive Murderatarum vel Murderandarum aut aliquo alio Modo ibidem ad mortem devenien unacum Cognitione de Mahemio in locis predictis infra Iurisnem ñram Maritimam p^rdictam ac fluxum Maris et Aquæ ibid Contingenti Seu potestate Etiam puniendi delinquentes in ea parte quoscunq Iuxta Iuris Exigentiam et Consuetudines predict
Cateraq ōia et Singula que in premissis tantum et Circa ea p. 163
necessaria fuerint Seu quomodolibet opportuna Iuxta et Secundum Iura Statuta Leges Ordinationes et Consuetudines p^rd faciend Exercend Expediend et Exequend Tibi prefato Nathanieli Blakiston Arm p^rfecto ñro Genli et Gubernatori principali provinciæ et Territorij Nrōrum de Maryland p^rd et Gubernatori Nræ prinli eorund Provinciæ et Territorij pro tempore ibidem Existend de quorum fidelitate et Circumspec-

Lib. H. D. tionis industria plurimum in hac parte Confidimus Vires et Auctatem nrās in et per dict provinciam et Territor nostr de Maryland p^r^d ac partes Maritimas eorund et eisdem adjacente quascunq atq Etiam per ōia & Singula lettora Maris fluminaq publica portus aquas Dulces Rivas Crecas ac Brachia tam maris quam fluminum ac Costeras quecunq dict provinciæ et Territory nrōr de Maryland p^r^d ac partium Maritimarum eorundem et eisdem adjacentium quarumcunq infra Libertat et ffrancheis ac extra Committimus per presentes et Concedimus cum potestate alium vel alios Deputatum Sive Deputatos quoties Tibi Expediens visum fuerit loco tuo in premissis deputandi et Surrogandi ac etiam cum potestate quoscunq alios Officiarios et Ministros pro dicto Officio et exercicio ejusd in dictis provincia et Territorio ñris de Maryland p^r^d ac partibus Maritimis eorund et eisd adjacentibus quibuscunq Sub te Necessarios Idoneos opportunos de tempore in tempus Nominandi preficiendi Ordinandi Assignandi faciendi et Constituendi (Salvo Semper Iure Supreme Curiæ Adm^tis^ ñre Angliæ necnon Iudicis et Reg^rij^ Ejusd Curiæ quibus et eorum alteri in aliquo Nolumus derogare per p^r^sentes et Salvo Iure Cujuscunq licet Gravati per aliquam Sententiam Definitivam Sive decretum interlocutorium in Curiæ Vice Adm^tis^ provinciæ et Territorij Nrorum de Maryland p^r^d ferend ad Supremam Curiam Adm^tis^ ñre Angliæ p^r^d Appellandi) Teq prefatum
p. 164 Nathanielem Blakiston Arm et Gubernatorem nrum provincie et Territorij nrorum de Maryland p^r^d pro tempore ibud Existen Vice Admirallum Commissionar et Deputatum nrorūm in Officio Vice Admtis in provincia et Territorio ñris de Maryland p^r^d ab partibus maritimis eorund et eisd Adjacentibus quibuscunq uacum omnibus et Singulis fedijs proficiis advantagijs Emolumentis Comoditatibus et pertinentijs quibuscunq eid Officio Vice Admiralli Comissarij et Deputati in dict provincia et Territorio Nris de Maryland p^r^d ac partibus Maritimis eorundem et eisdem adjacentibus quibuscunq Iuxta ordinationes et Statuta Supreme Curiæ Admtis ñræ Angliæ p^r^d debitis et Spectantibus Ordinamus preficimus et deputamus ꝑ presentes ad beneplacitum nrum Tantumodo duratur proviso tamen Semper et Sub hac lege et Conditione quod Situ p^r^fatus Nathaniel Blakiston Arm et Gubernator noster principalis provinciæ et Territorij nrōrum de Maryland pro tempore ibid Existen nos et Locum tenen nrum Supremæ Curiæ Admtis ñræ Angeliæ et in dicta Curia et Officiatem principalem Commissariumq Generalem et Specialem ac ejusd Curiæ Indicem et presidentem de omni eo quod de tempore in tempus vigore presentium feceris et Executus fueris Colligeris aut receperis in premissis Seu premissorum aliquo Annuation vizt in fine Cujuslibet Anni inter festa S^ti^ Michaelis Arch-

angeli et onum Sanctorum cum pleno et fideli Computo nro Lib. H. D.
Superinde Sub Authentica forma Conficiend ac Sigilli Officij
ñri in Custodia nra remanen Sigillando debite non Certificaveris et Certiorem reddi feceris Cum Effectu (Si ad id requisitus fueris) Extunc et post defaltam in ea parte humor Lre patentes de Officio Vice Admiralli p^r^d (ut p^r^fertur) concesse Vane et irrite erunt nulliusq roboris aut Effectus Mandantes oibus et Singulis proceribus Iusticiarijs Majoribus Vice Comitibus Capitaneis Seneschallis Ballivis et Custodibus Goalarum et Carcerum Nrorum quorumcunq et Constabularijs Ceterisq Ministris et fidelibus Subditis et Ligeris nris quibuscunq et
eorum cuilibet tam Infra Libertate et ffrancheis quam extra p. 265
quod Tibi prefato Nathanieli Blakiston Arm^i^ et Gubernatori ñri prinli Prōvæ et Territory ñror de Maryland p^r^d pro Tempore ibidem Existenti et Deputato tuo cuicunq alijsq Officiarijs ejusd Vice Admtis ñræ in Provincia & Territorio Nris de Maryland p^r^d ac partibus Maritimis eorund et eisd adjacentibus quibuscunq per te Assignatis Seu Assignandis Circa Executionem premissorum et eorum cujuslibet intendentes faventes Auxiliantes parentes pariter et Obedientes Sint in Omnibus prout decet Sub pena Iuris et periculo incumben. Dat Londini in Suprema Curia Adm^tis^ ñræ Angliæ p^r^d Sub Sigillo ejusdem Magno Vicessimo Tertio die mensis Maij Ano Dni Millessimo Sexcentessimo Nonagessimo nono Regniq Nri Undecimo.

Orlando Gee Reg^rius^

By the Commissioners for Executing the Office of Lord high Admirall of England Ireland &c.

To Henry Jowles Thomas Tench, Charles Hutchins, John Addison John Courts Thomas Brooke, Robert Smith John Hammond and Francis Ienkins Esq^rs^ or any Two of them

By Virtue of the power and Authority to us Given by an Act of Parliament made in the first year of the reigne of his Maty king William and her late Maty Queen Mary Intituled an Act for abrogating the Oaths of Supremacy and Allegiance and Appointing other Oaths, We do hereby Impower, direct and Depute you to Administer and tender the Oaths and
Test Appointed by Act of Parliam^t^ unto Nathaniel Blakiston p. 166
Esqr Vice Admirall of his Matys Colony of Maryland whose Comission coms herewith and see that he take the said Oaths and Subscribe to the Said Test before you Deliver him his Commission and returne to this Board his Subscription of the Test together with a Certificate under your hands of his haveing taken the Said Oaths Given under our hands and

Lib. H. D. Seale of the Office of Admiralty the Seventh day of Iune 1699 By Comand of theire Lordships J. Bridgwater
Bunhelli D Mitchell ffaversham
G. Rooke

I A. B. do Solemnly and Sincerely in the presence of God profess Testify and Declare that I do believe that in the Sacrament of the Lords Supper there is not any Transubstantiation of the Elements of Bread and Wine into the body and blood of Christ att or after the Consecration thereof by any person whatsoever, And that the Invocation or adoration of the Virgin Mary or any other Saint and the Sacrifice of the Mass as they are now used in the Church of Rome are Superstitious and Idolatrous And I do Solemnly in the presence of God profess Testify and Declare that I do make this Declaration and every part thereof in the Ordinary Sence of the words now read unto me, as they are Commonly understood by English protestants without any Evasion Equivocation or Mentall reservation whatsoever and without any dispensation allready Granted me for this purpose by the Pope or any other authority or person whatsoever or without any hope of any such dispensation from any person or Authority whatsoev^r or without thinking that I am or can be acquitted before God or Man or absolved of this declaracōn or any part thereof although the Pope or any other person or persons or Power whatsoever should dispence with or annull the Same or declare that it was Null and void from the Beginning

p. 267 [Isaac Millmer to Governor]

Lond^o the 3° June 1699

May it please your Ex^cy

My Last was the 26th of January ꝑ Capt Whitehorne with Goods for what Value I had then in my hand which I hope are Come Safe to your Excell^cys good Likeing Since that I have rec^d Severall more Good Bills from Esqr George Plater on his Acc^t for the Province to Vallue 150^l 10. 00 So that his debt is Now but about £60 which he hath ingaged Shall be remitted by very first and then will Send for your Ex^cys Government the full deficiency of my last years Order and Com^o Unless I am by your Ex^cy Countermanded whose precepts I shall allways be Sure to obey. In the Bill Loading for Goods ꝑ Capt Whitehorne for your Provinces use, I fear I have there mentioned 360 Small Runletts Gunpowder instead of but 320 which are all your full quantity as ꝑ Invoyce Appears, if so, I humbly begg your Ex^cys pardon for this great Error (being in

a hurry) and that it may be Corrected and not Insisted upon Lib. H. D.
from Capt Whitehorne who never had any more then 320
Runletts &c Capt Greenwell thank God is Safely Arrived
and now in Holland discharging his Loading Capt Harbin,
Sen house, Smith, and Watts, are all thats now yett Come
from Maryland but more daily Expected Tobbacco Trade
is att p^rsent not very brisk the Dutchmen being very incred-
ulous and will not believe the Scarcity with you so long as all
Ships that Coms yet are quite full Laden and doubts not but
will be so, all that we Affirme here Availes nothing without
further prooff the Weather now is extream hott So that we
all are in hopes of a Greater fertillity this year then has been
for Some years past, His Maty the King yesterday im-
barqued from Margett Town for Holland where he designes p. 168
to spend this Summer this Coms ꝑ An Accidentall Ship via
Pensilvania ꝑ Capt Mitchell which I hope will find your Excel-
lency and Lady well that it may it the fervent prayers of me
who att all times shall be thankfull of your Ex^cys^ Comands to
shew my readiness for your Selfe and Governm^t of my being

Yo^r Ex^cys^
Most humble & most obed^t
Servt Isaac Millner

There is Two Shells one is fixed for Service and the other hath onely a fuse in it so you may pull them out and See how to fix them but the fusees must be cutt of the Same length as those th^t are in the Shells and when you fix them you must fitt your fusees very well to the hole of the Shell as you see by this that is sent you you must lett your fuse be driven in a little tite with a Small Mallod and then it will not blow out with the blast of the Morter and when you Load your morter putt the shell in after the powder without any thing of Wadding and lett the fuse lye to the Musle of the Morter and take Some meale powder and put in the head of the fuse and there you may fire the Morter piece Safely

Your Morter piece Should lye att 45 Degrees or as near to that as you Can when you fire it by the reason it is the least straine to her and will throw furthest

Your Composition for fuzees and true proportionable quantities is

Meale powder	3^l^—¼
Salt peter	2
Sulpher	1

You must fill your shells with fine powder

Lib. H. D. p. 169 Capt Richd Smiths Como from the Affrican Compa

Know all men by these prsents that we the Royall African Company of England have made Ordeined Authorized Constituted and Appointed and by these prsents do make Ordeine Authorize Constitute and Appoint and in our Stead & place put our Trusty ffriend Richard Smith now residing in the Colony of Maryland in America our True and Lawfull Attorney for us and in our Name to Ask Demand Sue for recover and receive all Suits Sume or Sums of money as shall be become due & payable unto us from the Collector or Collectors of his Matys Customs or any other person or persons whatsoever in any part of the Said Colony of Maryland afd for or by Virtue of an Act of Parliamt Intituled an Act for Settling the Trade to Affrica Giving and by these presents granting to our said Attorney full power and Lawfull Authority for and in our Names to Sue for prosecute Implead Imprison and proceed against all and every or any Collector or Collectors or other person or persons whatsoever within the Said Colony of Maryland from whom any Duty or Dutys, Sume or Sums of money are due and payable or appointed to be paid unto us or to our use by the Act of Parliament aforementioned and upon payment and Satisfaction made to Acquitt release and discharge the Same and one or more Deputy or Deputys under him to Substitute and againe att pleasure to revoke and Generally to Act and do whatsoever shall be requisite and needfull in and touching the premisses as full and Effectually to all Intents and purposes as we the said Company or any of us might or could do if we or any of us were personally present and did the Same ratifying and Confirming all and whatsoever our Said Attorney shall do or Cause to be done in the premisses, In Witness whereof we the said Royall Affrican Company of England have caused our Common Seale to be affixed hereunto the 25th Day of June Ano Dni 1700, and in the 12th year of the reign of our Sovereigne Lord King William the 3d over England &c Defender of the ffaith &c, Sealed with the Common Seale of the said Company in the presence of

Ino Pery Secry
Ino Robinson

Maryland ss.

Nathaniel Blakiston Esqr Capt Genll and Governr in Chief
p. 251 in and over this his Matys Province of Maryland and the Territorys thereunto belonging To Robert ffinley Gentn Greeting

Whereas Peter Iennings Esqr Collector of his Matys Customs of the District of Putuxent within this Province has lately Signifyed unto me his Intention of Speedily departing

from hence to the Kingdom of Engl[d] upon Some Urgent Lib. H. D.
Affairs requireing his presence there haveing Intimated to me p. 251
that he would Saile with the first Ship that would be Cleared out of this Province whereby the said Office or place of Collector of his Matys Customs in the said District will be Vacant and no person within this Province being Qualifyed by any Comission from the hon[ble] the Com[rs] of his Matys Customs in England to Officiate and Act in that Station I do therefore to the End his Matys Service and Interrest in the said District may not neglected or prejudiced, Having Great Trust and Confidence in your fidelity Loyalty Skill Care Integrity and Circumspection do hereby Nominate and Impower you the said Robert ffinley to Officiate and Act in the Said Office and Station of his Matys Collector of Putuxent Aforesaid Untill such time as Some other person shall be Appointed & Comissionated thereunto by his Matys Comissioners of his Customs in the Kingdom of England or untill their Direction and pleasure shall be known therein Hereby Giveing And Granting unto you the s[d] Robert ffinley full Power and Authority to Enter and Clear all and all manner of Ships and other Vessells Whatsoever which shall Trade and Come into the District aforesaid And in all other things relateing to the said Office to Act and Do as fully and as Amply as any other of his Matys Collectors may or Can do by Virtue of Such their Offices aforesaid To have hold and Enjoy all and Singular the ffees Sallarys perquisites and Advantages thereunto belonging for and Dureing pleasure or untill such time as his Matys Comissioners of his Matys Customs in England shall Signifye their pleasure therein Given under my hand and Seale att the Town and Porte of Annapolis the Twenty second Day of March in the Eleaventh year of the reigne of our Sovereigne Lord King William &c Over England &c Anoq Dni 1698/9

N: Blakiston

[Commission to W. Bladen.]

Maryland ss.

Nathaniel Blakiston Esq[r] Cap[t] Gen[ll] and Gov[r] in Chiefe in and over this his Matys Province of Maryland and Territorys thereto belonging and Vice Admirall of the Same To W Bladen Gent Greeting.

Haveing Speciall Trust and Confidence in your fidelity Integrity knowledge and Circumspection I Do hereby Nominate Constitute and Appoint you the Said W Bladen to be p. 252
Navall Officer of the Porte of Annapolis within this his Matys Province of Maryland Hereby Giveing and Granting unto you the Said W Bladen full Power and Authority to Act do

Lib. H. D. performe and Execute all and Singular the Lawfull powers and Authoritys and other things whatsoever incident to the Office of Navall Officer and to take and receive to your own proper use and benefitt all such Lawfull ffees, perquisites and Advantages as to the Said Office do in any wise Apperteine To have and to hold the Same Dureing pleasure Given att the Town & Porte of Annapolis under my hand and Seale this Twenty Second Day of March in the 11th year of the Reign of our Sovereign Lord King William the third of England &c Anoq Dni 1698/9

N: Blakiston

Lib. X.

At a Council held at Annapolis
May the 10th 1699

Present

His Excy the Governor

the honble { Collo Hen Iowles, Thomas Tench Esqr, Robert Smith Esqr, Major Iohn Hammond }

p. 215 The honble Robert Smith Esqr being made acquainted that he was appointed one of his Majestys honble Council of this Province took the oaths appointed by Act of Parliament & the oath of Councellor & Subscribed the Test & Association

His Excellency tells the Board that upon his perusall of the Iournals of the late Councils & Assemblys he has Observed the great charge that has been occasioned by the Piscattoway & Accocick Indians lately in Articles of Peace with this Province & now fled into Virginia acquaints them that when his Excellency Collo Nicholson his Majestys Lieut & Govr Genl of Virginia of the Colony was here in Maryland he did then in favour of this Province propose that one of the Gentlemen of this Board & Major William Dent should be sent to him in Virginia upon the meeting of the Assembly there in order to adjust that affair but forasmuch as the said Major Dent was his Majestys Atty General & concerned in many actions as well for his Majesty as others in the Provincial Court here which would happen at the same time his Excellency thought to have adjourned the Provincial Court but afterwards meeting several of the Council whose houses he had been at in his late progress they were of the Contrary opinion for that they did not think the ordinarys in this Town would be capable to supply & entertain both the Assembly & Provincial Court at one & the same time & that his Excellency considering

that he was but newly arrived he did not know what construc- Lib. X.
tion the people might put upon such adjournment & that for those reasons he had wrote to the Governor of Virginia that Major Dent could not then wait upon his Excel^y being so p. 216
Concerned for his Majesty & others as afores^d

His Excellency acquaints the Board that he had Ordered Major Smallwood to acquaint those Indians that if they would come in here & quietly set down they should be kindly dealt with but has not as yet heard from the said Major Smallwood

His Excellency says he is informed that there are three Ships now trading in this Province wholy owned by Scotchmen & that one of the Masters vizt Captain Lathrop being questioned had produced Edwd Randolph Esqr his Majetsys Surveyor Genl on the Continent of America his Letter in his Favour signifying that Liberty of trading into these Provinces is now allow'd to Such Scotchmen & laid a copy of the said Letter before the Board which was read as also his Excellencys Instructions dated the 4th of October 1698 relating to that affair which this Board having considered likewise the several Acts of Trade & Navigation are of Opinion that in regard neither his Excellency nor any of the Officers of his Majestys Customs here have received any such Notice or Advice of such Toleration from the honble the Commsrs of his Majestys Customs or the Right honble the Lords of the Council of Trade no regard ought to be had to the said Letter but that the acts of trade & Navigation should be put in force

His Excellency acquaints the Board that he has lately rec'd two Letters from the right Honble James Vernon Esqr his Majestys Secry of State the one directing him to use his utmost Care & Diligence to apprehend Captain Kidd the Pirate & his crew in case any of them should come into this Province upon Which Occasion he had issued particular War- p. 217
rants to every County in the Province

The other Letter directing his Excellency to prohibit any Supply of Arms or Provisions from this Prov^s to the Scotch Settlement at Darien whereupon he had issued his Proclamation to prohibit any such supply from this Province

Produced & read a Letter from Mr Walter Lane & Mr Rowland Bevine complaining of one Iohn Parker who had intruded upon & built an house within the Bounds of the Land laid out for the Indians in Somerset County of which the said Indians complain & the said Gentlemen further acquaint his Excellency that they fear some disturbance may be occasioned thereby

His Excellency with the advice of the Board does thereupon order that Mr Iohn Rounds one of his Maj^stys Iustices of the

Lib. X. It being Debated in Council whether it might not be fitting
p. 221 upon the late murther committed by the Indians upon Thomas Thickpenny & his wife in Prince George's County to have a certain young Indian Lad at Choptico Son to the Emperor of Piscattoway secured & kept in the nature of an hostage until some satisfaction had as to that Murther

The securing the said Indian Lad is not thought Convenient at this time but it is advised that the Frontiers be well Secured until such time as the Assembly meets & that Collº Beal continue ranging & endeavour to make some discovery if Possible of the Indians that were Concerned in that murther

Resolved that Colonel Courts, Coll Beal, Collº Addison, Collº Smallwood & Mr John Hawkins acqt the Indians that are adjacent to them & came in seemg to be our Friends that they may expect very good treatment from this Government on their good Behavr

Whereas Mr John Hawkins has sold those Indians some Match coats & Powder moved at the Board whether he may deliver them the said Match coats & Powder

Resolved that the said Mr Hawkins deliver the Indians the Match coats but no Powder as he will Answer the contrary at his Peril

Resolved that a Messenger be sent to the Empr of a Piscattoway by a sufficient number of men to demd Satisfaction for this late it being very strongly presumed to have been committed by his Indians

Advised that in case the Emperor or King Peter should accidentally come down among the Inhabitants that they be
p 222 Secured & brought before his Excellency the Governor

Collº Addison informs his Excellency that Provisions are not to be had in Prince Georges County for the Rangers Subsistance

Whereupon his Excellency is pleased to say he will Supply them from Annapolis

Then were read his Excellencys Commission & Instructions to Colonel Ninian Beal Commander of the Rangers on Potomack whereupon it fell under the Consideration of & was advised by the Board that in Case Coll Beal or his men in ranging should meet any Sculking Indians which could give no good Accot of themselves that he should be directed to bring them before Colº Addison to be examined & dealt withal according to his Discretion

Resolved that upon Application to his Excy a good Quantity of Fusees & Musquets be sent to Collº Addison to be distributed among the poor Inhabitants on the Frontires

The Council desire his Excellency will be pleased that in case any further Mischief happens to be done by Indians that

he will be pleased to take such speedy Care thereupon as in his discretion he shall think fitt Lib. X.

His Excellency is pleased to acquaint the Board that the other day he spied a Sloop in the Offing of Severn River which upon some intimation the day before he had received from Collº Quary he Suspected to have on Board some of those Pirates lately arrived at Cape Henlophen & that thereupon he had ordered Mr William Bladen to go on Board her p. 223 & if he found any such to secure them that the said Bladen had been on Board & brought before him one Theophilus Turner with what treasure the said Pirate had on Board which he had Secured until his Majestys Pleasure should be known therein & designed to give an Account thereof to the right honble his Majestys Secry of State

That he had also secured Andrew Gravenreot owner of the said Sloop who being called in gave the follº Account that about four days ago about 4 Leagues of of Delewayer Cape he met with a ship called the Nassaw which stood after him but that he wrong'd her whereupon she fired a Gun & spread her antient & sent her Boat on Board him which he haled at a distance & asked what Ship it was & was answered from the Boat the Winchester of London Capt Stoat Commander but when they had carried him on board the Ship he found it was Captain Shelley in the Nassaw from Madagascar who obliged him to take on Board the said Turner & two other men with their chests who went on Board of two Ships at the capes mouth bound for England the act of Assembly for punishing Pirates being read the Board do well approve what his Excellency has done herein & it is Ordered that the Pirate Turner be safely secured but that Mr Gravenraet on good Security may be at Liberty

Whitehall 21st July 1699 Lib. H. D. p. 279

Sr

I have very lately recd your Lres of the 22th of May and 8th of June which Came together I have laid them before the Lords Iustices with the Depositions of Theophilus Turner, have Comanded me to Acknowledge your Care in the Apprehending that Pyrate whom they would have you Send home in Custody by the first good Opportunity, And Since he has Shewed an Ingenuity in his Confession and this is the earliest of that kind their Excys think him a fitt Object of his Matys Mercy provided he be as ready to give Evidence agt any he knows have been concerned in Pyracys when they shall be taken and brought to Tryall I believe their Excellencys will likewise give directions for the Sending hither Such Pyrates

Lib. H. D. as I lately hear Mr Quaryy has Seized in Pensilvania where more would have been taken if those people had not sheltred them from Justice which can't but be ill taken here and bring these propriety Governmts under great Suspitions that they Value more their own indirect profitts than the wellfare of England and the Observation of the Laws

The Lords Justices Approve of your Integrity in giving a faithfull Account of what Turner had brought with him & they will move his Maty that you may be no Looser by it, in the mean time they direct that you take the 400 pieces into your possession out of which you will Supply Turner with what Necessarys for his Subsistance & for the bringing him into England I hope we shall meet with some of the Pyrates that you mention are coming for Bristoll & London I have given Notice of them to the Mayor of Bristoll and the Comrs of the Customs here, we have no Account yet that any of those Vessells are Arrived & the Comrs of the Customs have Sent di-
p. 280 rections to the Severall parts they are like to touch at that they may be Secured as soon as they can be discovered.

You will very much recommend your Selfe here by the Countenance of your diligence and faithfull discharge of your Trust which will not be a greater Satisfaction to any body than to

Sr Your most faithfull humble
Servt Ia: Vernon

Whitehall 17th August 1699

Sr

I take the Opportunity of Mr Pens Going to his Governmt in America to Acquaint you that we have heard of the Arrivall of the five Pyrates in the Ships you gave Notice of the two that Landed at Bristoll made Such hast to get out of the Town That the Orders I sent for Seizing them came too late, they are now publisht in the Gazett with a reward to any that Shall
p. 280 Apprehend them the three Dutch Men Chang'd their ships before they Came into Harbour and are all Gone for Amsterdam, we have Sent thither their Descriptions by wch they may look after them if they think fitt, in the mean time I ought to let you know that your Advices were very Exact & dispatch't wth great Diligence, I have heard from Loo, that his Maty was well Satisfyed with your Care and was very inclinable that you should be incouraged to proceed in the Same Manner.

I shall only Add that I hope Mr Penn and you will live in friendship and good Correspondence that you will mutually Assist one another in whatever may promote the prosperity of the plantations & the generall Advantage of England, the

present Grievance complained of in those parts is an Indul- Lib. H. D.
gence to Pyrates and a Neglect of the Acts of Navigation and Trade, You have had an Oportunity to shew what you will do us to the former, and I do not doubt but the Same Integrity will Appear in all the parts of your Trust, I have great Confidence likewise that Mr Pen gives over with a Resolution to wipe off the Imputation that propriety Governnors ly under as if they Pursued private Interest distinct from those of the Nation while you have both the Same publick Ends in View p. 281
You will go on in concert towards the Attaining them, and I wish you Success & reputation in all your Endeavours, I am

Sr Yor most faithfull humble Servt

Ia: Vernon

At a Council held at the Town and Port of Annapolis in Lib. X.
Ann Arundell County the 4th day of October 1699 & in the p. 224
Eleventh year of the Reign Of our Soveign Lord William the 3d by the Grace of God of England Scotld France & Ireland King Defender of the Faith &ca

Present

His Excy Nathl Blakiston Esqr Govr in chief

the honble { Thomas Tench Esqr, Collo Iohn Addison, Thomas Brooke Esqr, Colo Iohn Hammond } of his Majtys Council

His Excellency acquaints the Gentlemen prest that the occasion of his now calling them together was to advise & consider what Party of Rangers would be sufficient to be kept out Ranging this winter Season for Security of the Frontires & whereas the said Rangers were a great charge to the Country whether a lesser Number then at present kept out might not Suffice provided a Sufficient Number were sent out early in the spring

Colonel Ninian Beal being called in gives an Account of two hundred Seneca Indians that had lately passed over Susquehannah

Advised that whereas the Indians are such Suddain & uncertain Enemys that the same number of men be kept out vizt two Officers with eight men & that due care be taken to have the said Rangers paid what is due in Arrears to them

Whereupon it is likewise further ordered that a former order of this Board to the honble Collo Iohn Addison & Mr p. 225
William Tanyhill be by them Observed to see the Mens Accounts made up & their Quarters paid off

Lib. X. His Excellency informs the Board that he had upon the Representation of the Iustices of the Prov[l] Court suspended the execution of the Corporal Punishments & Fine upon M[r] John Cood inflicted by that Court upon consideration of his service done on the Revolution & that for six months only in hopes of finding a Reformation in him

Whereupon this Board do unanimously agree that the said Cood was very serviceable to his most Sacred Majesty & this Province upon the said Revolution & do approve of what his Excellency has done therein

And further advise that in case his Excellency has a good account of his Wellbehaviour he may be then pardoned

Coll[o] Henry Ridgely being very Antient & desirous to lay down his Commission of Colonel of this County of Ann Arundel County Ordered Commission be prepared to appoint the honble Major Iohn Hammond Colonel of the said County

Read the right honble M[r] Secry Vernons Letter to his Excellency relating to the Pirate Turner now in Custody within this Province requiring his Excellency to send the said Turner for England

Then was also read a certain instrument under the said Turners hand obliging himself to become an Approver against the rest of his fellow Pirates

p. 226 Then was read the Right honble M[r] Secry Vernons Letter about illegal Trade to which this Board do say that all diligent Care is taken within this Government to detect them

Read also his most Sacred Majestys Letter in relation to the Scotch at Darien

Whereupon a Proclamation was ordered to be prepared & issued prohibiting all & every his Maj[stys] good Subjects within this Province from supplying them with any Ammunition provisions of victuals or Otherwise whatsoever trading with or holding any Comerce or Correspondency with the said Scotch at Darien

Then did the honble Thomas Tench Esq[r] Coll[o] Iohn Addison Tho Brooke Esq[r] & Coll[o] Iohn Hammond pursuant to the order or Warrant from the Lords of the Admiralty dated the 7th of Iune 1699 Administer unto his Excellency the Governor the oaths appointed by Act of Parliament to be taken instead of the oaths of Allegiance & Supremacy who in their Presence subscribed the Test & Association after w[ch] they did deliver his Excellency his Commission of Vice Admiralty of this his Majestys Province &c[a]

It being moved at the Board concerning some Discourse used by Cap[t] Richard Hill wherein he had expressed himself Disaffected to his Majestys Government here the debate & Examination thereof is further referred to a full Council

Upon Mr Joseph Tillys petition it is recommended to the Court of Chancery that he be admitted to Prosecute in Forma Pauperis against the Admrs of George Parker Lib. X. p. 227

Whitehall 30th Nov: 99 Lib. H. D.

Sr

His Maty being informed that you have secured the Effects of Some Pyrates that were returned from the East Indies, Approves of Your Diligence in So doing ; and further comands me to signify his pleasure to you that you put the Said Effects (whether they be in Money or Goods) into the hands of the Earle of Bellamont His Matys Governor of New England to whom his Maty has sent his Orders about Sending home Kid and other Pyrates who have been Seized in Severall parts of the Plantations in order to their being tryed here, the sd Earle of Bellamount being likwise Intrusted by his Maty to convey hither all the Effects belonging to the Said Pyrates and to Consign them to the Lds Comissionrs of his Matys Treasury, My Lord Bellamt has made a Voluntary Offer to Transmitt his Acco upon Oath of all the goods he hath or shall receive & belonging to Pyrates & his Maty thinks it fitt that those to whose hands any of the sd Goods are come should deliver their Accounts in the Same Manner not doubting but such as are in Places of Publick Trust will be ready to give all proofs of their Integrity. I am Sr

Yor most faithfull
humble Servr
Ia: Vernon

Colo Blakiston

At a Council held at the Town & Port of Annapolis thursday April the 4th 1700 & in the 12th year of his Majestys Reign &ca Lib. X. p. 227

Present

His Excellency the Governor &ca

the honble { Collo Hen Iowles, Thomas Tench Esqr, Collo Ino Hammond } of his Majtys honble Council
Mr William Dent his Majstys Attorney General

His Excellency acquaints the Gentlemen of the Council that the reason of his now calling them is thus

That on Monday the 25th of March last being upon the Road near South River in Company with his Excy Collo Nich-

Lib. X. olson his Majestys Governor of Virginia he met with Mr Samuel Chew, Richard Johns Samuel Galloway & Nehemiah Burkitt who gave him a certain order under Seal of his Majesty in Council which is as Followeth

At the Court at Kensington
the 30th November 1699

Present

The Kings most Excellent Majesty in Council

Whereas by Powers granted under the great Seal of Eng-
p. 228 land to Collo Francis Nicholson Capt General & Governor in chief of his Majestys Provs of Maryland in America dated the 10th day of Feby in the fifth year of his Majestys Reign as also to Colo Nath Blakiston Captain General & Govr in chief of the said Province dated the 19th day of October in the tenth Year of his Majestys Reign the Governor Council & Assembly of that Province have been impowered to constitute & Ordain Laws which are to be in force until his Majstys Pleasure be signified to the contrary & forasmuch as in pursuance of the said Powers two Laws have past in the General Assembly of the said Province in the year 1696 & 1699 the first intituled an act for the establishment of the Protestant Religion within this Province wherein is a clause declaring all the Laws of England to be in force in Maryland which Clause is of another Nature then what is set forth by the Title of the said Law the other Law being an act ascertaining the Laws of this Province which Laws having been perused by the Lords Commsrs of trade & Plantations & thereupon presented at this Board for his Majestys Determination concerning the said Laws

His Majesty in Council is pleased to signify his Disapprobation & disallowance of the said Laws & according to his Majestys pleasure the said Laws are hereby repealed & declared void & of none effect

Jno Povey

Which being read & considered & divers Arguments & debates had thereupon his Excellency is pleased to ask the Gentlemen of the Council whether they do not think it
p. 229 Adviseable that he should immediately Issue a Proclamation signifying the Repeal of the said Laws to which they severally agree Answer & Advise his Excellency to defer the issuing of such Proclamation for the following reasons vizt

1st In regard there is not a full Council at this time there being only three present at the Board & the others Living so

remote that they cannot well be called together in a short time Lib. X.

2dly That this being a matter of great & weighty momt which may have Influences on the Courts of Law & Iustice within this Province in their Judgments and Proceedings it would be for his Majestys Service & the Great Benefit of the Province to defer the publishing of such proclamation until the meeting of the General Assembly

3dly That this being so publick a concern wherein his most Sacred Majesty & his good Subjects of this Province are so nearly interested it is absolutely necessary that the General Assembly should be consulted therein which at present is much facilitated by the nearness of their meeting to wit the 26th Instant to which day they Stand Prorogued

His Excy is pleased further to ask the advice of the Gentlemen present whether in regard he has rec'd no late Commands from his most sacred Majesty or from the right Honble the Lords of the Council for trade & Foreigne Plantations the meeting of the Assembly should not be further deferred & put of in expectation of some of his Majestys Royal Commands which may be sent him or other directions from the right honble their Ldshps the Commsrs of Trade & Foreign p. 230
Plantations.

Whereto this Board do advise & give their Opinions that forasmuch as no other Ships are expected to arrive here until October next by which such Letters might be expected Captain Harbin who is now Come in being the last the meeting of the Assembly should be no further deferred but that it is most absolutely necessary they should sitt upon the 26th Inst according to Prorogation

His Excellency represents to the Board that the last year 1699 finding that Colonel Nicholson his Predecessor had for some time received the 3d ꝑ hhd given by his Majesty to the Country for purchasing Arms &ca he also had received the said Duty for that year but that he was resolved since he understood his Majestys Receivers Geo Plater & Geo Muschamp Esqr were thereunto appointed & Commissionated he would no longer Act or meddle therein

His Excellency informs them that he had advanced & lent the Country two hundred pounds Sterl which he had sent to Collo Addison to pay & Subsist the Rangers on the falls of Potomack who were in great want thereof and could not have had that money without the meeting of the Committee which would have been a great charge to the Country

His Excellency further gives them to understand that he is informed by Mr Hermage Robinson an Indian Trader that the Emperor of Piscattoway & his Indians will Come to Town on

Lib. X. p. 231 Monday next to treat with his Excellency & renew their Articles of peace & Amity & thereupon this Board do desire his Excellency will treat with them & leave the whole Managing thereof to his Excellency & the Gentlemen of the Council next adjacent advising withal that the Indians be told to come in & live upon their Land there & that if they will give Assurance of their fidelity they Carry some of the english along with them to Rock Creek to see their Fort demolished there.

Mr John Danzey having produced a Commission from the honble his Majestys Commsrs of the Customs to be Collector of Potomack & the oaths appointed by Act of Parliament instead of the oaths of Allegiance & Supremacy Administred to him as likewise the oath appointed by the act of the 7th & 8th Years of his present Majestys Reign entituled an act for preventing frauds & Regulating Abuses in the plantation trade which he took & likewise subscribed the Test & Association hav^g Given Bond in England for the faithful Execution of his Office

Then was produced & read a Commission from the honble the Commsrs of the customs to Wm Bladen to be Surveyor of the Port of Annapolis whereupon the Aforesaid Oaths were administred which he took & Also Subscribed the Test & Association & entred into Bond with the honble Thomas Tench Esqr & Major William Dent his security for the faithful Execution of his said Office

Ordered that Geo Plater & Geo Muschamp Esq^rs his Majestys Receivers take care for the future to receive the p. 232 Duty of 3^d for Arms & that their Acco^ts of the Revenue be always sworn to before this Board before they transmit them for England

His Excellency is pleased to ask the Board if they have any thing further at present to propose for his Majestys Service who say not.

Port of Annapolis April 8th 1700

At a meeting of his Excellency the Governor &c^a with the Emperor of Piscattoway and other Indians

Present.

His Excellency the Governor

the honble { Thomas Tench Esqr / Coll^o John Hammond }

Ocquotomacquah Emperor of Piscattoway King Peter ats Ondauxon, Coll^o James Quahey Bokachinno Chixsinnahat, Dossaway & several other Indians

Stood up Colonel James on Behalf of his nation of Indians Lib. X.
& says there is a woman that is Queen of pamunkey & Queen of them all she has a good heart & presents her duty to his Excellency & desires to Live in Love & Friendship with the English & has sent him a Present

And thereupon presents his hand to the Govr on Behalf of the Queen which his Excellency received & afterwards returned in like manner Assuring them of all Truth & Justice & that p. 232
his Mas^r Employed none but such as were so

Coll^o James presents his Excellency six Beaver skins

Coll^o James says the young men would be all of one heart with the English provided they were not disturb'd in their hunting

To which his Excellency Answers that upon their true and good Behaviour he will take care to have such persons as affront or abuse them punished allone as for abusing any of his Maj^stys^ Subjects Coll^o James present Six Beaver Skins more which he says are by the Queen his Mistress to his Excellency to bestow on his Servants & hopes before they go away they will shake hands heartily & then set down as not having further to say

His Excellency tells them he takes well their present & will return them another

Then his Excellency bad the Interpreter to tell the Emperor of Piscattoway that in as much as he has been in this Province a considerable time he should have been glad to have seen him before now however he is wellcome

Bidds him ask the Emperor if he or his Indians were under any fear or diffidence or if any one gave them ill impressions of any ill usage they might expect from him to which the Emperor says no not any Body And says that he would have come before now when his Excellency sent for him but that the Indians that his Excellency spoke to, to bid him come in deceived
him & came not too him but went to Nanjotticot but that he p. 234
was now come in

His Excellency gives them to understand that we have not any design of advantage from them but that the King his Master desires they may be kindly Used & that it is most for their Advantage to Live quietly & easy among us

Tells them that several Murthers have been committed of Late & divers persons injured that we do not certainly know who it was that has done it but hope it was not them they absolutely deny they are Guilty of any such thing

His Excellency observes to them how they have Shuffled & put of & on & Broke their Articles so that it was but Reasonable to suspect them tells them he expects they should be very punctual to what is now said & promised or otherwise he will

Lib. X. not further treat with them but leaves them to take their own Measures

They answer that the Indians have a good heart & will do no Prejudice to any body that does not hurt them & desire his Excellency not to believe any Writing against them

His Excellency assure them that he will always have two Ears one for the English & one for the Indians

His Excellency tells the Emperor of Piscattoway that in case his Indians are refractory & will not be kept within Bounds &
p. 235 Measures but do such irregular Things as will be Offensive so that he cannot rule to send them to him who has 20000 Men under his Command & he will punish them

The Emperor asks if he shall come to live at Accokick or Pamunckey to which it is answered he may at either of them which he likes best & that he shall be well used for that his Excellency will take care the next Assembly to have an ordinance made for their quiet & ease so that no Body shall come to disturb them in their Lands or any thing belonging to them & as to the Emperor for Building his house he is directed to apply to the Assembly by sending some of his men when the General Assembly sitt

The Indians complain that the English cutt their Traps in Pieces and hinder their hunting his Excellency says he will take care for the future to prevent that

They are told of their Breach of Articles and asked if they are desirous for to enter into new ones to which they say they are

And it being concluded & agreed upon that the Emp^r should with his wife & Children within two months Come in & Live at Pamunckey & do his utmost endeavours to perswade the rest of the Indians to do so likewise

Ordered that Articles of peace be prepared with the Agreement last mentioned incerted & in all other Points as they were before

Ordered also that Articles of peace be prepared for the Pamunckey Indians

p. 236 And then his Excellency was pleased to give every one of the said Indians presents, & of greater Value to Col^o James for his Mistress the Queen of Pamunckey & to the Emperor Ondauxon King Peter & others of Greater Note

And then told them to come again to morrow morning to sign the said Articles of peace

Tuesday April 9th 1700

His Excellency the Governor & the Indians again mett & were present as before

The following Articles being prepared & read were Condescended agreed to & Signed by the Subscribers as followeth viz[t] Lib. X.

Articles of Peace & Amity concluded & Agreed upon between his Exc[y] Nathaniel Blakiston Esq[r] Captain General & Governor in Chief in & over his Maj[stys] Province of Maryland & the Territory thereunto belonging & Oquotomaquah Emperor of Piscattoway the 8th day of April 1700

Imprimis It is agreed upon that from this day Forward there be an inviolable peace & amity between his most Sacred Majesty King William the third of England &c[a] & his Subjects the Inhabitants of this Province & the Emperor of Piscattoway upon the Articles hereafter mentioned to the worlds end to Endure & that all former Acts of Hostility & Damages whatsoever by either party sustained be Buried in perpetual Oblivion

2[dly] That if any Indian subject to the said Emperor shall hereafter chance to kill an English man the said Emperor shall be obliged to deliver such Indian up to the Gov[r] of this Province as a Prisoner p. 237

3[dly] Forasmuch as the English cannot Easily distinguish one Indian from another that no Indian shall come into any English Plantation painted & that all the Indians shall be bound to call aloud before they come within three hundred paces of any English mans clear Ground and lay down their arms whether Guns Bows or Arrows or other weapon for any English man that shall Appear upon his call to take up & in case that no one appear that he shall there Leave his Arms if he come nearer & that afterwards he shall by calling aloud endeavour to give notice of his nearer Approach & if any Indian shall be killed by an English man that shall come unpainted & give notice & deliver up his Arms as aforesaid he shall dye for it as well as an Indian that kills an English man & in case the Indians & English meet accidentally in the Woods every Indian shall be bound immediately to throw down his Arms upon call & in case an Indian so meeting an English man shall Refuse to throw down his Arms upon call he shall be deemed as an Enemy

4[thly] the Priveledge of Crabbing fowling hunting & fishing shall be preserved to the Indians inviolably

5[thly] That every Indian that kills or steals an Hog Calf or other Beast or any other Goods shall undergo the same punishm[t] as an English man doth for the same Offence

6[thly] In Case any Servants or Slaves run away from their Masters & come to any of the Indians Towns within the Territorys of the said Ocquotomaquah & his Subjects they p. 238

Lib. X. shall be bound to apprehend the said Fugitives & bring them to the next english Plantations to be Conveyed to their Masters & in case any Indian aforesaid shall convey or assist such Fugitives in their Flight out of this Province that he shall make the Respective Master or Masters of such Servants or Slaves Such Satisfaction as an English man ought to do in the like Case

7thly That the said Ocquotomaquah shall not make any new Peace with our Enemies nor shall make any war without the consent of the Govr of this Province for the time being

8thly In case the said Ocquotomaquah or any Indian Subject to him shall kill any Indians or any other in peace and Amity with his said Majesty it shall be esteemed as great an Offence as killing an English man

9thly That neither the said Emperor nor any of the Indians under his Subjection do at any time hereafter keep harbour or Entertain amongst them or within their Fort any Foreign or strange Indians or know or discover any such to appear or come within the Province without giving timely and all Possible & speedy notice thereof to his Excellency the Governor or some other Officer a person of note by whom the same may be communicated with all Expedition to the said Governor or Govr of this Prov^s for the time being for his Advice & Direction therein

p. 239 10thly That as a further Testimony of their League peace & Friendship with his Majesty & as they expect protection from him & his Government here they be paid by the said Emperor a tribute to his said Majesty an Indian Bow & two Arrows to be delivered to his Excellency the Governor or the Governor for the time being at his Residence wheresoever the same shall happen to be on the first Tuesday in April every year Successively

11thly And lastly as a full & ample Proof & assurance of the said Emperors Fidelity truth & sincerity he does Solemnly promise engage & oblige himself with his wife & Children to come and Live at pumuncky within two months time from the date hereof & will do his utmost endeavour to perswade all his Indians to come and live there Likewise in conformation whereof his said Excellency the Govr & likewise the said Emperor himself do mutually sign acknowledge & Deliver to each other the aforeging Articles in the presence of the Gentlemen of his Majestys honble Council & the great men of the said Emperor this 9th day of April 1700 Signed

+N Blakiston Ocquotomaquah V Emperor of Piscat^y

Articles of Peace & Amity concluded & agreed upon between his Excellency Nath Blakiston Esqr Captain Genl &

Governor in Chief in & over this his Majestys Province of Maryland & Territory thereunto Belong^g &c^a & the Queen of Pamunckey Lib. X.

Imprimis It is agreed upon that from this Day forward there be an inviolable peace & amity between his most Sacred Majesty King William the &c^a & his Subjects the Inhabitants of this province and Izmgoughsionaugh Queen of Pamunckey upon the Articles hereafter mentioned to the worlds end to Endure & that all former acts of hostility and damages whatsoever by either party Sustained be buried in Perpetual Oblivion p. 240

2dly That if any Indian subject to the said Izmgoughsiowaugh shall hereafter chance to kill an Englishman the said Izingoughsiowaugh Queen of Pamunckey shall be obliged to deliver such Indian up to the Governor of this Province as a Prisoner

3dly Forasmuch as the English cannot easily distinguish one Indian from another that no Indian shall come into any english plantation painted And that the Indians shall be bound to call aloud before they come within three hundred paces of any English mans clear Ground and lay down their Arms whether Guns Bows or Arrows or other Weapons for any English man that shall Appear upon his call to take up & in case that no one appeareth that he shall there leave his said Arms if he come nearer & that afterwards he shall by calling aloud Endeavour to give Notice to the English of his nearer Approach & if any English man shall kill any Indian that shall come unpainted & give notice & Deliver up his Arms as aforesaid he shall dye for it as well as an Indian that kills an Englishman And in case the Indians & English meet accidentally in the Woods every Indian shall be bound immediately upon call to throw down his Arms & in case an Indian so meeting an Englishman shall refuse to throw down his arms upon call he shall be deemed as an Enemy p. 241

4^thly The Priviledge of Crabbing Fowling hunting and Fishing shall be preserved to the Indians inviolably

5^thly That every Indian that kills or steals an Hog Calf or other Beast or any other Goods shall undergo the same punishment as an Englishman doth for the like Offence

6^thly In case any Servants or Slaves run away from their English Masters & come to any of the Indian Towns within the Territorys of the said Izingoughsiowaugh & her Subjects they shall be bound to appreh^d the said Fugitives & bring them to the next English Plantation to be conveyed to their Masters & in case any Indians aforesaid shall convey or assist any such Fugitives in their Flight out of this Province that he shall make the respective Master or Masters of such

Lib. X. Servants or Slaves such Satisfaction as an English man ought to do in the like case

7thly That the said Izingoughousiowaugh shall not make any new peace with our Enemys nor shall make any War without the Consent of the Govr of this Province for the time being

8thly In case the said Izingoughsiowaugh or any Indian
p. 242 Subject to her shall kill any Indians or any other in peace & amity with his said Maj^ty it shall be esteemed as great an Offence as killing an English man

9thly That neither the said Izingoughsiowaugh nor any of the Indians under her Subjection do at any time hereafter keep harbour or entertain amongst them or within their Fort any Foreign or strange Indians or know or discover such to appear or come into this Province without giving timely & all Possible & Speedy Notice thereof to his Excellency the Governor or some other Officer a Person of Note by whom the same may be communicated with all Expedition to the said Govr or Govr of this Province for the time being for his Advice & Directions therein

10thly That as a further Testimony of their League Peace & Friendship with his Majesty & as they Expect Protection from him & his Gov^t here there be paid by the said Izingoughtiowaugh as a Tribute to his said Majesty an Indian Bow & two arrows to be delivered to his Excellency the Governor or the Governor for the time being at his residence wheresoever the same shall happen to be on the first tuesday in April in every year Successively

11thly And lastly as a full & ample Proof of and Assurance of the said Queens Fidelity truth & sincerity she does solemnly promise engage & oblige her self with her Indians within two months time to come and live at Pomunckey &
p. 243 that she will do her utmost endeavour to perswade & oblige all her Indians to Live there Likewise in confirmation whereof his said Excellency the Governor and likewise Chixenehat husband to the said Queen and Col^o James her Speaker and Plenepotentary do mutually sign acknowledge & deliver to each other these present Articles this 9th day of April 1700

Sig S Chixenehatt
N Blakiston Col E James

Ordered upon the Indians coming in that Coll^o Smallwood supply them with ten Barrels of Indian Corn until such time as the Assembly meets & other Measures are taken

At a Council held at the Town & Port of Annapolis in the 27th day of June in the 12th year of his Majestys Reign &c^a^ Annoq Dni 1700 Lib. X.

Present

His Excellency the Governor

the honble { Coll^o^ Hen Jowles, Coll^o^ Jno Addison, Tho Brooke Esqr } { Col^o^ John Hammond & Tho Tasker Esqr }

Mr William Dent his Majestys Attorney Genl being ordered to give his Attendance came and was present

His Excellency acquaints the Board that he has received some Letters from the right Honble the Comsrs of trade & Foreign Plantations which are of very Great Importance

Which his Excellency produced to the Board & first their Lordships Letter of in Answer to his Excellencys of p. 244
the 16th of August 1699 which was read with the reasons offered against the Act of Religion &c^a^ afterwards his Excellency is pleased to produce & read to the Board his Majestys Royal Instructions relating to the Revising the Laws of this Province

And is pleased to take Notice that upon the Revisal of the said Laws in the General Assembly 1699 all the said Laws then transmitted for transmitted save One were in Force before that Assembly though several of the same nature were then united under one Title and that at that time there was all Possible due care taken that nothing should be incerted in any of them infringing his Majestys Prerogative or otherwise against his Interest but that as to the act of Religion &c^a^ it having so long slept & Being a Law so essential to the prosperity & wellfare of this Province it was even absolutely necessary to be reenacted

His Excellency is pleased to shew the Board his own Letter to their Lordships in answer to theirs & this Board upon further consideration had of their Lordships said Letter reflecting they had run into the like Error as to the Law for Ascertaining the Laws &c^a^ do propose advise & resolve that upon the next meeting of the Assembly it be Recommended to them to Repeal & make void that Law which is not at all doubted

And further that this Board will write to their Lordships in answer to their Letter aforesaid about Revising the Laws &c^a^ p. 245
& accordingly do write the following letter

Annapolis I 1700

May it please your Lordships

It is not usual nor are we desirous to trouble your Lordships with any of our Lines knowing that all Affairs relating

Lib. X. to his Majestys service & this Prov[s] are effectually laid before your Lordships by his Exc[y] Col[l]° Blakiston our Governor but that which occasions us to give your Lordships this trouble is to excuse our selves on account of the act ascertaining the Laws of this Province & to lay before your Lordships the subtil contrivances & false insinuations of those who are Enemies both to his Majestys Government & Religion & we were by his said Excellency upon his arrival apprived of his Majestys Instructions for revising the Laws & in Regard that an Assembly was to meet in a small time It was advised to defer that work till that time not that his Excellency or we designed to make use of the Assemblys Assistance therein but that if any thing was amiss that could be amended it might be then done & we beg your Ldsps to believe that both his Ex[y] & we were more then ordinary cautious that nothing should pass which in the least intrench on his Maj[stys] interest & we hope there is nothing in them that does; but if there is we are heartily sorry for it & Assure your Lordships its for want of Iudgment not Care but as to the Law ascertaining the Laws we are fully Convinced by your Ldshps reasons of our oversight therein & only beg your Lordships
p. 246 patience till the next meeting of Assembly & we doubt not but that The Matter will then be concerted agreable to his Majestys Intention

As to the Act of Religion we were very apprehensive of the disagreeableness of that clause of a different nature therein which was the clause of his Maj[stys] disallowance thereof but could not tho earnestly endeavoured bring it to any better Frame that time but hoped for a more favourable Opportunity to purge out those imperfections than what the minds of the Assembly would then allow of which we hope is now in some measure attained to & for that reason & withal considering that the said Law had laid a considerable time before your Lordships without any disapprobation of his Majesty we did advise his Exc[y] Col[l]° Blakiston not to endeavour the Repeal of that Law till his Majestys Pleasure was known thereon for besides that it would have Begot in the greatest & most Eminent part of the Province who are earnestly Sollicitous for establishing the Protestant Religion here an odium of his Exc[y] & us to drop that which Supported their dearest; we could not certainly tell what other amendment might be required besides the said Clause all which we hope by this Revisal in May last is so qualified as to procure his Majestys Gracious Allowance & which with the Greatest Joy & most humble Acknowledgments we are sure will be Received by us & all his Maj[stys] good Subjects here & in that particularly as well as in all other Affairs in Gen[l] his Exc[ys] great Zeal &

Affection to his Majestys Service has Eminently appeared to us all which in Right to truth we think ourselves obliged to acknowledge to your good Lordships Lib. X.

Though Reflections or Sence of ill Usage if much agst our nature & the constitution of this Gov^{t} yet for our own Iustification we hold our selves obliged to disburthen the Government from some aspersions cast upon it by some persons who stile themselves the Antient Planters & none of the least Traders here whilst their names are Concealed & therein p. 247

1st We humbly appeal to your Lordships by comparing the Act of Religion with the several exceptions against it if they have not unworthily perverted the Sence & mean^{g} of the Law particularly the 4th, 5th, 7th, 8th and 9th Exceptions

2 We assert to your Lordships for an undoubted truth that there is nothing imposed upon any dissenting Protestants or even papists but the payment of 40 ꝑ Poll equal with his Majestys other Protestant Subjects & none of the other injunctions in that Law have been so much as pretended to be imposed upon any dissenting Protestant but on the contrary they are permitted the quiet & peacable enjoyment & use of their Religion wthout the Least molestation whatsoever & therefore they greatly wrong that Law & the Gov^{t} by their Insinuation in the first second & third exceptions

We humbly assure your Lordships that what ever titles persons may give themselves of dissenting Protestants there has no sects of Religion here opposed that Law but the Papists & Quakers who from the first Beginning of his Majestys happy Gov^{t} here with which that Law entred have with their Greatest Might obstructed it & so diligent were they therein that the Quakers had got Copies of his Majestys Order in Council for disallowing that Law long before the Original from your Lordships arrived & their diligent spreading the same caused great Disquiets in the minds of his Majestys good Subjects & for their being antient Settlers we acknowledge that some though but few Papists were at the first seating but so far were the Quakers from being the most antient Seaters that when they first came in they were ordered to be whipped out for disturbing the Government as by an order of Council the Copy whereof is inclosed appears & they are so far now from being any considerable part that we are confident they will not make the twelfth part of the Province but were this Law down we believe they would increase for both Sects are daily insinuating their doctrines into other his Majestys good Subjects & imploying their utmost endeavours to pervert them from their Religion & some have been prevailed upon though we hope by the Assistance of that Law & the Labours of good men to put a Stop for the p. 248

Lib. X. future to such things in fine may it please your Lordships there design is not only against that Law but establishing protestant Religion here and that there might be no more Countenance Given to it now under his Majestys Gov[t] then was under the Lord Baltimores who was a papist & as they say so it was Liberty of Conscience to all without publ[k] Countenance to any but we are assured as by his Majestys matchless Valour & Conduct he preserved our Lives & Fortunes from Destruction no less our Religion also & we hope to enjoy both & at the same time permit the Quiet Exercise
p. 249 of Dissenters in theirs While they will use it with peace & Quietness with which we will beg your Lordships pardon for intruding so long upon your patience & beg leave to Subscribe

Your Lordships most humble &
Obedient Servants
Hen Iowles
In° Addison
Tho Brooke
Tho Tasker
In° Hammond

Then read his most Sacred Majestys of the tenth of February 1699 to his Excellency the Gov[r] relating to Pirates &c[a] directing them to be secured with their Effects & sent either for England or tryed here as the People were inclined to punish or acquit them

And thereupon his Excellency is pleased to say that he does not know of any such at present within this Province but if any hereafter should be apprehended here all due Compliance shall be given thereto

Read the Right honble the Commsrs of Trade & Plantations their Letter to his Excellency dated the 16th of February last concerning Denizations & Naturalizations to which this Board are pleased to say that they do not know of any Dezinations granted in this Province by his Excellency the Governor

Read the Postscript of their Lordships said Letter wherein they advise the Gov[r] that Captain Henry Munday Master of the Ship John Hopewell of Lond a Trader into this Province being upon the coast of Guinea in November last was met by a Pyrate who robbed & Plundered him & that nine of the said Captain Mundays men run from him to the Pyrate who was named Henry King & formerly used the Pensylvania Trade

Ordered that Proclamation issue to apprehend & Secure the said Pirate Henry King & Captain Mundays men in case they happen to come into these Parts

Produced & read his Maj^{stys} order in council of the 23^{d} of November 1699 Relating to Complaints made of Commanders of Shipps of War pressing & carrying away indented Servants and Debtors Lib. X.

Whereupon his Excellency says that he has Given Strict orders to Captain Peter Coode Commander of his Majestys Advice Boat Mess^{r} attending this Province to have due regard thereto and has likewise Ordered him a Copy thereof

Read the Proceedings of his Excellency the Governor & Council of Virginia of the 23^{d} of May 1700

Whereupon Captain Coods orders from the Lords of the Admiralty as well in relation to his attending as well here as Virginia were produced & read

And this Board being informed that the said Captain Cood has not above three weeks provision on Board can not think it reasonable to send him out of the Capes least the Vessel should be blown of for any Considerable time & the men starved & the Board considering that the said Captain Cood had no Supply or Credit & the exegency of the vessel do advise & Order that George Plater & George Muschamp Esq^{rs} his Majestys Receivers of Putuxent & Potomack districts lend & pay unto the said Captain Cood one hundred pounds Sterling out of the Revenue of the 3^{d} ꝑ hhd his Maj^{y} having no other fund in this Province wherewith to supply him so that he may be enabled to purchase Provisions at the head of the Bay none being to be had Else where after which that he be directed to cruise in Delaware Bay p. 251

His Excellency is pleased to advise the Board that whereas he has received an account of a most cruel Barbarous & inhuman murder committed upon a Man & Woman & six poor Children at the Plantation of Thomas Barston in Virginia upon the Frontiers of Potomack by naked Indians painted & forasmuch as the Emperor of Piscattoway is now come in whether it may not be Requisite to acquaint the Emperor that in case he & his Indians have not been concerned therein they need not be apprehensive of any resentm^{t} from us

Which is advised accordingly

His Excellency is pleased to ask the Board if they have any thing further to offer for his Majestys Service who say not at present

His Excellency acquaints the Board that upon Doctor Brays going for England he had conferred the Commissarys Office upon Tho Brooke Esqr one of this Board but that he was always willing that the said Doctor Bray if he returned or any other qualified person sent in by the right Reverend the Lord Bishop of London should enjoy that Office which the Board do well Approve of p. 252

Lib. X.

Copys of several Proclamations issued
By his Excellency the Capt Genl
A Proclamation

Forasmuch as I have received his most Sacred Majestys Commands to me by the honble James Vernon Esqr one of his Majestys principal Secretarys of State commanding me to prohibit all Comerce with & not to suffer any ammunition supply of Arms or other necessary provisions to be transported hence to the Scotch who lately arrived at the Island of St Thomas in several Ships which they had Fitted out with intention as they declared to settle themselves in some part of America their design being altogether unknown to his Majesty I do therefore by this my Proclamation prohibit all persons whatsoever within this Gov^{t} from holding any Comerce with or giving any Relief or Aid to them whatsoever as they will answer the contrary at their Perills & I do hereby command & direct the several & respective Officers of his Majestys Customs within this Province that they do not clear or Suffer any Vessel to depart hence having on Board them any
p. 253 Store of Powder Ball Ammunition arms Provisions of Victuals or other necessarys whatsoever which may any wise be Suspected to be intended for the Supply of those persons & to the end that all persons may have due notice hereof & give due regard thereto I do hereby command the several & respective Sheriffs of the several Countys in this Province to publish this my Proclamation in all Churches Chappels Court houses & Other publick places of meeting within their several & respective Counties Given under my hand & the Great Seal of the Province this 18th day of April in the 11th year of his Majestys Reign &c^{a} Annoq Dni 1699

God save the King N Blakiston

By his Excellency the Capt Genl
A Proclamation

In as much as divine Providence hath lately Visited these parts in a very particular manner by caus^{g} a most terrible & dreadful Stroke of Lightning & thunder to fall upon the State house the General Assembly sitting therein which Fired the Roof thereof highly endangering the Records lodged therein & not only so but further visiting our Sins strook dead Mr James Crawford one of the Delegates of Calvert County & grievously wounded & hurt Divers others vizt Lieu^{t} Coll^{o} Hans Harrison Lieu^{t} Coll^{o} George Ashman & Mr Thomas Hicks &c^{a} but forasmuch as it pleased Almighty God of his infinite Mercy far beyond our deserts to withhold &

restrain the Violence & Destruction thereof to the end there- Lib. X.
fore that Our most sincere & devout thanks & acknowledg-
ments of such his Gracious mercy may be duly rendred

I do by & with the advice of his Majestys honble [Council] p. 254
Proclaim publish & Command all & singular his Majestys good Subjects the Inhabitants of this Prov that they religiously set apart and observe Thursday the 17th of August next ensuing as a day of thanksgiving for such the Great mercy of Almighty God in Vouchsafing so signal a Deliverance

And that the said day & duty thereof may be the more Religiously & decently observed upon this Occasion I do in his Majestys name strictly Charge & will the Several Ministers of the Respective parishes in the several Counties within this Province to perform Divine Service on that day and the several Parishioners to attend the said Service and duty & that they Abstain from all Bodily Labour on that day as they will answer the contrary at their Peril & to the end that all Persons may have due notice thereof I comm^d the several Sheriffs to make publick this my Proclamation &c^a Given under my hand & the Great Seal of this his Majestys Province the 22^d day of July in the 11th year of his Majestys Reign &c^a Annoq Dni 1699

N Blakiston

God save the King

By his Excellency the Capt Genl

A Proclamation

Whereas Captain Kidd Master of the Adventure Gally of New York together with divers other wicked Profligate Persons consorting with him on Board the said Gally
have lately Committed sundry notorious Piracys & Sea Rob- p. 255
berys upon the Subjects of Divers Princes & States in peace & Friendship with his most Sacred Majesty & are now Suspected to be Hovering on the coast in order to Land & disperse themselves abroad into the Plantations thereby endeavouring to escape the Iustice of the Law for such their evil Demeritts I do therefore by this my Proclamation in his Maj^s name Strictly Require as well all Officers civil & Military within this Province as all other his Majestys good subjects that they use their utmost endeavours to seize & apprehend the said Captain Kidd or any of his wicked Accomplices when & wherever they shall be known & Discovered to Land or come into any part of this Prov^s & them to secure until such time as I can have Notice thereof to give my further Direction therein & to the end those wicked & detestable persons may not have any Shelter or Covert here

Lib. X I do straightly prohibit all persons whatsoever within this Province from entertaining any of them in their houses or otherwise counselling aiding Concealing or assisting them in any manner whatsoever as they will answer the contrary at their peril & expect to be prosecuted unto the utmost severity of the Law and that all Persons may have due notice hereof I Command the several Sheriffs to make publick this my Proclamation Given under my hand & the Great Seal of this his Maj^{stys} Province the 15th day of January 1699

N Blakiston

God save the King

By his Exc^{y} the Capt Genl

A Proclamation

p. 256 Whereas the General Assembly of this Province was upon the 22^{d} day of July last prorogued until the 28th of October Instant but forasmuch as no emergent affairs now happen whereby to occasion the meeting thereof at that time I have thought fit & do by & with the advice & Consent of his Majestys honble Council of this Province hereby further Prorogue the said General Assembly until the 9th day of February next ensuing & do Also Publish & give notice to the several Members of his Majestys honble Council as also of the house of Delegates that if it shall be thought advisable for his Maj^{stys} Service & the welfare of this Province that the Genl Assembly should be convened & sit on the said 9th day of February they shall have notice given them by the Several & Respective Sheriffs of this Province who are hereby commanded to publish this my Proclamation Given under my hand & the Great Seal of this Province the 4th day of October in the 11th year of his Majestys Reign &c^{a} Annoq Dni 1699

God save the King N Blakiston

By his Exc^{y} the Capt Genl

A Proclamation

Whereas I have received his most sacred Maj^{ys} repeated Commands to me by the honble Sr James Vernon Knight one of his Majestys principal Secretarys of State to prohibit any Correspondence to be had with or any Ammunition Arms or other necessary Supplies of Provisions to be carried to the
p. 257 Scotch who have taken Possession of the Bay of Cairat near the Bay of Darien between Cartagena & Porto Bello & fortified themselves in violation of the treatys now subsisting between his Majesty & the Crown of spain I do therefore by

& with the advice of his Majestys honble Council hereby Lib. X.
Command & Direct the several & respective Officers of his Majestys Customs within this Province not to Clear or suffer any vessel to depart this Province having on Board them any store of ammunition powder Ball Arms provisions of Victuals or other necessarys which in any wise may be suspected to be intended to be carried to the said Bay of Cairat for the use of the said Scotch so Enforted as aforesaid & I do hereby prohibit all persons whatsoever within this Province from having any Comerce with or giving any Relief or assistance to the said Scotch as they will answer the contrary at their perill & to the End all persons may have due notice hereof & give due regard thereto I command the several Sheriffs of the respective Counties to publish this my Proclamation &c^a^ Given under my hand & the great Seal of this his Maj^stys^ Province this 4th day of November in the 11th year of his Majestys Reign &c^a^ Annoq Dni 1699

N Blakiston

God save the King

By his Excellency the Capt Genl

A Proclamation

Whereas the General Assembly of this Province were upon
the 22^d^ day of July last Prorogued until the 28th Day of Oc- p. 258
tober then next ensuing & now passed from which said twenty eight day of October they were by Proclamation further prorogued until the 9th day of February next ensuing & now forasmuch as I am advised by his Maj^tys^ honble Council that it will be necessary & requisite the said Genl Assembly should meet & sit at the Town & Port of Annapolis in Ann Arundel County upon the 26 day of April next being Friday in order to consult advise & concert such matters & things as tend to the Glory of God the Honour & Service of his Maj^y^ & the Wellfare of this Province I do therefore further Prorogue the said General Assembly until the said 26th day of April next ensuing & command & require the several & respective Sheriffs of each & every the Respective Counties of this province that they summons & give notice as well to the several members of his Majestys honble Council residing within their Several Counties as also to the Delegates & Representatives of their said Counties that they Convene themselves together at the Town & Port of Annapolis in Ann Arundel County upon the aforesaid 26th day of April now next ensuing then & there to do & Consent to such things as shall happen to be proposed Ordained & enacted for the Glory of God his Majestys Service and the

Lib. X. Benefit of the Inhabitants of this Province & that all persons may have due Notice of the sitting of the said Assembly I hereby straightly charge the said Sheriff to proclaim & publish this my Proclamation Given at the Town
p. 259 & Port of Annapolis under my hand & the Great Seal of this his Majestys Province this 9th day of January in the 11th year of his Majestys Reign &c^a Annoq Dni 1699/700

N Blakiston

God save the King

By his Exc^y the Capt. Genl &c^a

A Proclamation

Whereas the right honble the Lords Commsrs of Trade & Foreign Plantations have advised that Captain Henry Munday Master of the Ship Iohn Hopewell of London who formerly used this trade being upon the coast of Guinea in November last was plundered by a Pirate named Henry King who formerly used the Pensylvania Trade nine of the said Captain Mundays men at that time forsaking him & running away with the said Pyrate & forasmuch as the said Henry King with all or most of his wicked Companions & particularly the said nine men so run away from the said Captain Munday vizt Nich Gillebrand John Burton Leonard Rawlins Edwd Atterbury Emanuel a Portuguese John Sanders William Parker of Sunderland John Harris of London & Francis Brown a Negro may happen to come into these American parts I have thought fit & do by & with the advise & Consent of his Majestys honble Council of State here by this my Proclamation in his Majestys name strictly Charge & Command all & every his Majestys Officers both civil & military & others his good Subjects within this his Province that in case they shall be informed or discover either the said Henry King or any of his Accomplices & particularly any of the
p. 206 said nine men So Run away from the said Captain Munday to come within this Province that they use all Diligent & Possible care & means immediately to seize & Apprehend all or any of them & safely deliver them into the custody of the Sheriff of that County where they shall happen to be so apprehended & that all Persons whatsoever may have due notice thereof I Command the several Sheriffs of this Prov^s to make publick this my Proclamation &c^a Given at the Town & Port of Annapolis this 27th day of June in the 12th Year of his Majestys Reign &c^a Annoq Dni 1700

N Blakiston

God save the King

At a Council held at Mount Calvert on Thursday the eighteenth day of July in the Eleventh year of the Reign of our Sovereign Lord William the third by the grace of God of England Scotland France and Ireland Defender of the Faith &c^a^ Annoq Dni 1700 Lib. X

Present

His Exc^y^ Nath Blakiston Esqr Capt Genl

the honble	Col^ll^ Henry Iowles	Tho Brooke Esqr	of the Council
	Col^ll^ Iohn Addison	Col^ll^ In^o^ Ham^d^	
	Col^ll^ Iohn Courts	Tho Tasker Esqr	

His Excellency acquaints the Board that the Occasion of his now calling them together is that upon the late cruel & inhuman murder in Virginia he was obliged to appoint some rangers upon the Frontiers of Potomack & not only to Consult with them but also the committee of the house of Delegates who he had summoned to meet here at this time according to the directions of the act of Assembly appointing the said Committee &c^a^ & to consult the safety of the Province either in keeping out the Rangers now appointed being six & an Officer or raising more or otherwise as the Board & Committee shall advise upon which mature & deliberate consideration being had advised that Protection be given to the Inhabitants seated on Potomack & that one other Ranger be added so that they may Range by four at a time & that they keep out until such time as his Exc^y^ shall think fit to call them in p. 216

His Excellency is pleased to send for the Comittee for deciding differences between the english and Indians who came vizt

of the Committee	Capt Richard Hill	Mr Walter Smith
	Mr James Sanders	Mr Elisha Hall
	Mr John Worthington	Capt Phil^p^ Hoskins
	Mr James Hutchison	&
	Mr Tho Greenfield	Mr Benj^a^ Hall

Read his Excellencys order to Captain Philip Hoskins & Major William Dent to go to the Indians & enquire for the murtherers & their answer to his Excellencys order by which no certainty could be Gathered who had committed that Barbarous act

Further advised that in case any necessity should appear to appoint any Rangers upon Elk Ridge that his Excellency would be pleased to put on four Rangers there with the trouble of call^g^ the Council or Committee p. 266

Then taken into Consideration about the Indian Fort upon the Island of Potomack & whether a Message shall be sent to those Indians to come in or not Voted in the Negative

Lib. X. Proposed that a message be sent to the Emper[r] of Piscattoway to require him to come in by the first of October next & bring in the Indians with him & that upon his coming in they give account of his own & the Indian names both Indian & English which are to be enrolled that we may know who are our Friends & who not

And the following pass ordered to be Given the Emperor viz[t]

Maryland ss

Nathaniel Blakiston Esq[r] Captain Gen[l] & Governor in chief in & over this his Majestys province of Maryland & Territorys thereto Belonging

Whereas I have Granted to the Emperor of Piscattoway and the Indians under his command that shall by their ready compliance & coming in accept & make themselves Capable of the same several Articles of Peace & Amity with his Majestys good Subjects of this Province in compliance whereunto the said Emperor is come in & gives an account that he believes several others of those Indians are willing & desirous to do the same and that his the said Emperors wiffe & Children
p. 263 are yet above the Frontiers & that they will not come until he goes to bring them down & in regard of several men that are in Arms both in Virginia & Maryland desired to have Liberty to pass up to the said Fort of Indians above the falls to fetch his said wife and Children down & bring what other Indians are willing to come with him

Leave is therefore given to the said Emperor to go up to the said Fort of Indians above the Falls on the Maryland side & bring his wife Children & Goods with him and all such Indians as are willing to come & Embrace the said Articles in all which he & they shall have safe Conduct & unmolested provided he and they do return by the first of October next ensuing at furthest & at their coming in give an account of their English & Indian names to M[r] W[m] Hutchison & M[r] Jn[o] Hawkins or one of them both of those that are come in & shall come by the time aforesaid & the said persons are required to take a true account of what names shall be given in & return the same to the Gov[r] & Council of the said Province of Maryland Given under my hand & Seal this 18th day of July 1700

N Blakiston

Proposed that the Emperor be acquainted that when we make a peace with him we expect to make a Peace with a Prince and consequently with his whole People & that for to

make a Peace with him which will not be reguarded by his Lib. X.
People it is an affront to us to treat with after such manner

His Excellency is pleased to enquire of the Board & Com- p. 264
mittee what care the last Assembly took for Lodging & Securing the Arms & Ammunition for that it is not fitting that the Arms & powder should be kept together in one place least any accident shoud happen so that both Perish

It being Represented that Capt Hill had a very convenient house in the Town of Annapolis to be Lett advised that Capt Hills house be fitted up for Lodging the powder &ca according to his Excellencys Directions

Ordered that Capt Wm Hutchison & Mr John Hawkins receive & enroll as well the English & Indian Names that are already come in with the Emperor of those that do come in according to the message this day proposed to be sent to the Indians & that the said Gentlemen give the Indians notice not to hunt above the Eastern Branch

Advised that the Articles of peace with the Empr of Nanticoke & the other adjacent Indians be confirmed & forasmuch as we have reason to suspect some Treachery from some Indians that hunt here & the other Nations that the said Emperors call home their Indians on this side the Bay least any Injury should be done them upon any Violence or Injury offered by other Indians unknown

Whereas there was a proposal made last Assembly for paying the publick & County Leavies in Money & not in Tobacco his excellency is pleased to ask the Advice of the Board if they think it would occasion the Less Tobacco would be made to which the Gentln Of the honble Council
do say that they do not believe it would have any such Effect p. 265
that there will be the same Quantity of Tobacco made as well then as before

Colo Cood having applied himself to his Excy for a pardon & it being represented that he had of Late very well & Soberly Behaved himself

Advised he be pardoned & at present he being very poor and not able to pay his fine of 20ł Sterl advised that the execution thereof be suspended in consideration of his former Services

His Excellency acquaints the Board that a month hence being it will be a vacant time he intends to go up to New York & they are of Opinion that it will be a very Convenient time

August 28th 1700 Lib. H. D.
p. 270

Pursuant to an Order of his Excy Dated May the 9th last past requiring those persons att the head of the Bay to

Lib. H. D. Treat with the Susquehannah Shevanolls, and Delaware Indians So soon as possibly Could be to proceed on their Said Treaty whereupon Notice was Given by one of the persons Appointed to John Hans to Acquaint the Severall Nations to witt the Said Susquehannahs Shavanools and Delawares That on some Certein time as Soon as possibly may be to meet us att the Said John Hanses then and there as well to Communicate what by this Governm^t was given us in Charge as to receive what by their Kings and Great men they had to Communicate to us att which day and place to witt the 28th day of August 1700 we the Said persons Nominated and Appointed there arrived (together with one Christopher Mounts who are made Choise of to be one of the Interpreters) between five & Six a Clock in the Evening and being late we refreshed our Selves and Acquainted those Indians that were then present to witt the Shavanoole and Delaware King together with their great Men That to morrow Morning we would proceed on our Said Treaty wch they Seemed to be very willing So we gave them Some Drams and they shook us by the hands and we went to our Repose

Augt the 29th 1700

On the Morrow being 8 of the Clock we the persons Nominated Acquainted the Indians that we would proceed upon the said Treaty and accordingly we took our place where were present Ocahale King of the Delaware Indians and his great men with his Interpreter (named Capt Hagrup) and Ophesaw the King of the Shavanolls with Boshaccus his Interpreter together with his great Men—whereupon our Interpreters to witt John Hans and Christopher Mounts being Sworne truly to deliver what they should receive from or by
p. 171 us should be Offered to the Indians According to their Respective Nations thereby proposing that the Managment of that Affair may be fairly Iustly and honestly Carried on and Acted, the Susquehannah King not being personally present but onely his great men we shewed our Selves much dissatisfyed by reason of his Absence Acquainting them that we did Expect him to be present as well as the other Kings but one of his great men named Cassawwetoway als Harry having the English tongue very fluent begg'd his Excuse acquainting us that 2 other Kings Kendawagahaw and Sawwaydaggahay (Seneca Kings) were Come to give him a Visitt and that for them reasons he could not possibly attend but Ordered him together with the rest of his great Men that were then present to give their Attendance to hear what we

had to Communicate to th^{m} and what they Acted in that be- Lib. H. D.
halfe should be Confirmed by himselfe.

Then we Acquainted them that we were very Glad to see them here and that if their King together with the other Kings had Come to us should have been kindly received and Enterteined by us which they took Kindly of us.

1st We proceeded to acquaint them that the reason of our Coming and Calling of them here was to ratify and Confirme the Treaty of friendship they have allready Entred into with us and Severall other Articles herewith Sent which being Consented and Signed by the Severall Nations we gave them 9 Matchcoats and 40 yards of Printed Dimity Equally distributed Amongst them the more firmly to Oblige th^{m} and win them to the Stricter performance of their Articles now made ratifyed & Confirmed by them.

further we Enquired of them whether any their Neighbouring Indians are desireous of Entring into friendship or Amity with us, the Said Indians Answered att present they were not any as they knew of, and so we Concluded with the Indians and Drunk the Kings health Dated att John Hans this 29th day of August 1700

postscript

The Indians in token of their Sincere Affection presented this Governm^{t} with 15 undrest Dear Skinns and are left with John Hans for him to bring down to his Ex^{cy} the Governo^{r}

Signed by us
James Frisby
John Thompson
Edward Blay

Articles and Proposalls offered by us to the three Severall p. 172
Nations Viz^{t} Susquehannahs Shavanolls and Delaware Indians Viz^{t}

1st Whether they are willing still to Confirme that former peace and Amity made with us, to the which they Answered that they were all very willing to Consent unto and in Generall desiring the Amity and Peace with them and this Province may stand firme Good & Inviolable for ever.

2dly Whether they are willing that if any of their Indians should Comitt any Injuries upon the Inhabitants of this Province that they would be Answerable for them, To the Second they replyed that it is Iust and reasonable they should be Accountable.

3dly Whether they are willing upon any hurt or Damage Comitted or Acted by any of the Neighbouring Indians to any person of this Governm^{t} to aid Assist and help us.

To this they Answered that they not onely would be willing but also pursue and take (if possibly) them or any of them

Lib. H. D. and bring them in to be dealt withall as this Governm^{t} shall think fitt whereupon they shook hands with us in token of Sincerity of their Affections to witt they have Sett their hands the 29th day of August 1700

The Abovesaid proposalls made by us Underwritten and Assented by the Indians

James Frisby
John Thompson
Edward Blay

Owhala King of the his × mark Dellawares
Whittahaw ± his mark
Signed in behalfe of the Susquehannah
Ophessaw King of the his || mark Shavanols

May it please your Excellency Sep^{t} 2^{d} 1700

Inclosed is an Exact Acc^{o} of our Negotiation with the Indians att the head of the Bay in pursuance of your Ex^{cys} order Dated May the 9th last past and also Some Articles proposed by us to the Indians wch they very readily & Willingly agreed Assented and Subscribed unto. I have not further to Offer but that I am

Yo^{r} Ex^{cys} most obed^{t} Servt
Jno Thompson

p. 173 The most Honble Govr Blakiston D^{r}

19th August 1700 } Hoping yor Ex^{cy} will allow me this acc^{o} in money for Going to Kanestoga by yor Ex^{cys} Order which was directed to Esqr Frisby & Col^{o} Thompson

	l.	s.	d.
To 6 Days with 2 Men and 2 horses 12 shill	03:	12:	00
To 30 Indians Maintaining 4 days wth Victualls & Drink	06:	00:	00
To 6 Gall^{o} Rum̄e att 6 shil	01:	16:	00
To 12 Gall Beer	00:	18:	00
To 18 Yd^{s} Duffell 4/6	04:	01:	00
To Maintaining the Gent^{n} wch Treated wth the Indians	04:	00:	00
To a Man going to Sassafrax for the Gent 2 days att 5^{s}	00:	10:	00
	£20:	17:	00

John Hans Steelman

p. 174 William the third by the Grace of God of England Scotland ffrance and Ireland King defender of the ffaith &c. To all to whom these presents shall Come Greeting Know ye that we out of our Speciall grace Certein knowledge and Meer Motion have Given and granted and by these presents doe

Give and grant unto our Trusty and well beloved Sr Thomas Lawrence Baronett the Office or place of Secretary of our Province of Maryland in America and him the said Sir Thomas Lawrence Secretary of our Province of Maryland in America We do make Ordeine and Constitute by these presents in the Room of Thomas Lawrence Esqr deceased, To have hold Exercise and Enjoy the Said Office or place unto the said Sir Thomas Lawrence by himselfe or his Sufficient Deputy during our pleasure and the residence of him the Said Sir Thomas Lawrence in the Said Province together with all Rights Priviledges profitts perquisites and Advantages to the Said Office belonging incident or in any wise apperteining and in Such Manner and forme as the Said Thomas Lawrence or any person or persons heretofore have held and enjoyed or ought to have held & enjoyed the Same And our further will and pleasure is And we do hereby declare That if the Said Sr Thomas Lawrence do not within the Space of four Months next and Imediatly ensuing the Date of these our Letters pattents Transporte himselfe into our Said Province of Maryland That then these our Letters Pattents and every Clause Article and thing therein Conteined shall Cease determine and be utterly void to all Intents and Purposes any thing herein before Conteined to the Contrary Notwithstanding In Wittness whereof we have Caused these our Letters to be made pattents Wittness Thomas Archbishop of Canterbury and the rest of the guardians and Iustices of the Realm att Westminister the Eleventh day of July in the 13th Year of our Reigne. Lib. H. D.

Per breve de privato Sigillo
Cocks

At a Council held at the Port of Annapolis the eleventh day of October in the twelth year of the reign of our Sovereign Lord William the third of England &c^a Annoq Dni 1700 Lib. X. p. 265

Present

His Excellency the Governor

the honble { Thomas Brook Esqr, Robert Smith Esqr, Col^o John Hammond }

Came Col^o John Thompson & Wm Bladen naval Officers of the head of the Bay & the Port of Annapolis in Company of Captain Philip Hoskins from the Committee for apportioning the publick Levy & made Oath to their several Naval Officers Acco^ts p. 266

His Excellency is pleased to propose to the Board that whereas there is already a minute upon the Council Book that

Lib. X. in reguard there is a Law in the King^{dm} of England that the Parliament there shall not sit Longer than three years if it will not be Adviseable to dissolve them & not suffer them to sitt Longer

The Petition of James Anderson & Mary his wife praying remittance of Manus Handleys Recognizance of ten pounds Sterling for the appearance of John Sehey being read & appearing that the said Handley had procured the said Sehey to appear at the County Court afterwards tho not at the precise time he was bound to & that the said Sehey had received corporal Punishment for his crimes upon the Certificate of the Justices of Dorchester County the said Fine is remitted

Mr Gerrard Slyes petition for a writt of Injunction upon his Fine 6000ł Tobacco ats George Muschamp Esqr his Majestys Receiver of the district of Potomack which said writt of Injunction is Granted

Mr Edward Lomans petition for Injunction in the cause between him & Sayers Executors read and Granted

The Account of Prizes seized by Wm Bladen Surveyor of his Majestys Customs in the Port of Annapolis being produced
p. 267 to this Board by Geo Plater Esqr his Majestys Receiver of the District of Putuxent was allowed of & Ordered to be recorded

Ordered that commission issue appointing the following persons to be Justices of the peace in Calvert County vizt Mr Walter Smith Mr George Lingham In^{o} Hance Samuel Holdsworth, Wm Parker, Thomas Gray Iosiah Wilson, Robert Skinner, Elisha Hall, Jno Leech John Smith Geo Parker & Alexander Parran

Ordered that a new Commission be made for the Provincial Court & that Mr John Hall of Baltimore County be thereby one of the Justices of the said Court

Ordered that Colonel John Thomas of Baltimore County for his late irregularitys be left out of the Commission of the peace in Baltimore County

Ordered that Mr Samuel Young be appointed one of the Iustices of Ann Arundel County Court

The honble Coll^{o} John Hammond from the Committee for apportioning the publick Levy acquaints his Excellency & the Board that the Committee do find there will not be sufficient Tobacco to discharge all the publick Claim unless his Excellency & Council will be pleased to order the 60000ł of tobacco to be Raised by virtue of the act of Assembly whereupon this Board upon the said Committees Representation do order that the said 60000ł of Tobacco be Raised & it is further ordered

that Colonel Hammond acquaint the Committee that this Board were not willing to Raise any Tobacco but upon the said Committees Representation readily assent to the raising the said 60000ł of Tobacco being very unwilling the said Persons should go unsatisfied which may be the Occasion of Clamour & Discontent & an undervaluing the Publick Creditt

Lib. X. p. 268

Whitehall December the 3d 1700

Lib. H. D. p. 275

Sr

The Letters we have of late recd from you unto wch We have as yett returned no Answer are Dated the 12th and 24th of March 28th of May 5th of July and 6th Augt last

We Observe the Reason you Alledge in your first of the Said Letters for not Sending an Acco of the Number of Planters and Inhabitants, and all Circumstances relating thereunto, and the Promise you make to take due Care that it be Exactly done and Transmitted to us for the future, We shall therefore Expect the Same.

More Particularly we desire you to be mindfull of his Matys Instructions, for Sending home yearly Accounts of the Arms, Amunition and Stores remaining in his Matys Magazines in your Governmt and to take care that those Accounts be regularly Transmitted, as his Maty has directed.

As for the Division Line to be run between Maryland and Pensilvania Pursuant to the late King Iames's Order in Councill of the 13th of November 1685, We have Sent to the Lord Baltemore That he may give Instructions to his Agents in Maryland to Concurr therewith and according as we receive Answer from him, We shal Informe you.

We Observe what you write in Several Letters about the Difficulty of getting together a Quorum of the Councill in Maryland when occasion requires it, And we have thereupon Represented to his Maty our Opinion That Mr Thomas Laurence may be Constituted a Member of his Matys Said Councill, which his Maty has been pleased accordingly to direct, And We doubt not but his Father Sr Thomas Laurence will Transmitt unto him his Matys Order in Councill for that purpose. But, upon this Occasion, We find it necessary to desire you to Transmitt unto us frequently Lists of the Councillors that are residing upon the place, Expressing in each List the Changes that happen by the Death or Absence of any of them, And to send us also from time to time repeated Lists of the Names of Such Persons as you think fitt to Supply Vacancys in that Councill according to your

p. 176

Lib. H. D. Instructions, with your own Particular Observations upon the Character of each person.

The Acts of the General Assembly of that Province that you have lately Transmitted to us are now in the hand of Mr Attorney Genll for his Opinion thereupon in Point of Law, And that for Religion being amongst the rest, when they come Back to us, whatsoever has been Alledged either by your Selfe or by the Councill of Maryland in their Letter to us upon That Subject, shal be duly Considered. In the mean while upon this Occasion of Acts lying either wth the Attorney or Solicitor Genll you will do well to take Notice That it will be for the Service of the Province, that an Agent
p. 177 be Constituted with Authority and Instructions from thence to Solicite the Dispatch of that and all other Publick business wherein the Province is Concerned the Charge need not be great. It is a thing done by most of the Plantacons and proves very Usefull to them.

We shall Expect your Answer to what we write you about a Trade with the Western Indians, and whatever else you can Suggest on that Subject after you have had the Meeting which you Intend with the Earle of Bellamont.

You have done well in Transmitting to us Copys of what you Sent to Mr Secretary Vernon, relating to Capt Munday, and we desire you to Send the like Copies of whatsoever you shall write to other Offices, upon Such publick Occasions for the future, Thô there may be many things Sent to us in this Manner, upon wch it is not proper for us to give Directions yet the whole is very Necessary for our Information; We Acquainted the Lords of the Treasury with the Account you give of the Pyrates Effects in your hands, and doubt not but if you have not already you will have due Orders for the disposal thereof.

We Observe what you write about the Proposalls made by the Assembly for paying the publick Leavie in Money; But forbear returning any Answer att present So Material a Change requiring Consideration.

p. 178 We desire you (as we shall do the Governors of all his Matys other Plantations respectively) That a Memorandum be Entred upon the Councill Books to Caution the said Councill that whenever the Governmt of Maryland by the Death Absence or Removall of a Governor or Lievt Governor, Imediatly Commissioned by his Maty comes to devolve upon a President and the Councill of the Said Province The Said President and Council do forbear to pass any Acts, but Such as are Imediatly necessary for the Peace and Welfare of the

Said Province without his Matys Express Order for that Pur- Lib. H. D.
pose, So We bid you heartily Farewel

Your very Loving Friends

Stamford
Lexington
Ph: Meadows
John Pollexfen
Abr: Hill
Geo: Stepney
Mat: Prior

Reflecting upon what yor Predecessor, Colonel Nicholson has formerly Signifyed to us Concerning Forts in Maryland that they are of no use for the Defence of that Country. We think it So much the more Necessary that due Care be taken for regulating the Militia, and that they be so disciplined and Trained as to render them Usefull whenever there may be occasion And We therefore particularly recomend that Matter to your Care.

At a Council held at the Town & Port of Annapolis in Ann Lib. X
Arundel County the 13th day of December in the tweth year p. 268
of the reign of our Sovereign Lord King William the third of England &c^a Annoq Dni 1700

Present

His Excellency the Governor

the honble { Tho Tench Esqr Tho Brook Esqr
Col^o Jno Addison Col^o John Hamm^d }

The Council representing to his Excellency that whereas this present General Assembly now on Foot had continued near three years they did believe it would be to the General Satisfaction of the Country they should be dissolved in the Spring & a new one called His Excellency was pleased to assent thereto but withal Declared that having no Instructions from his most Sacred Majesty the Right honble the Lords Commsrs of trade & Foreign Plantations &c^a in that point to follow the late act of Parliament made in his Majestys Kingdom of England for dissolution of the Parliament there every three years he did not hold himself obliged to follow that Example here not knowing how far it might be agre- p. 269
able to his Majestys Inclinations And least it should be drawn into President hereafter

Then was proposed how the Assembly should be Dissolved whether by their meeting or Proclamation to the respective counties resolved that it should be by writt framed for that purpose to the several Counties by reason of the Great charge & inconveeniency nay almost impossibility of their meeting this Winter all the delegates on the eastern shore being to

Lib. X. Come over the Bay which is extreem hazardous by reason of the great Frosts which do and may happen.

His Excellency is pleased to move to this Board that whereas several of the Council were lately dead vizt Coll^o Henry Iowles Coll^o Charles Huchins & Mr Thomas Tasker & that the honble Sir Thomas Lawrence Baronet was altogether absent in England it was very difficult to procure a meeting of a Sufficient number thereof even upon the most urgent Occasions for his Majesty's Service he therefore required this Board to join with him in nominating & representing to his Majesty such & so many Gentlemen Inhabitants of this Province who were best affected to his Majestys Interest of good Estates & capable of Serving him within this Province to supply their Places at this Board whereupon the Gentlemen of the Council present on due consideration & mature Deliberation had do nominate & recommend to his Excellency to be present Mr Thomas Laurence his Majestys Secry of this
p. 270 Province Coll^o Edwd Lloyd Lieu^t Coll^o William Holland & Mr James Sanders as Persons best qualified to serve his Majesty in that station

Then were produced and read the several Orders by his Excellency the Governor given to Captain Peter Cood Commander of his Majestys advice Boat Messenger for Sailing to & fro upon several occasions since the arrival of the said Vessel here which were well approved of by this Board

It being Represented that Mr Richard Beard had Extraordinary care and pains in cleansing & well Fixing the publick arms ordered that Geo Plater Esqr his Majestys Receiver of the District of Putuxent pay unto him ten pounds Sterl out of the Revenue of 3^d p hhd given by his Majesty for the Supplying this Province with Arms &c^a

Maryland ss

William the third by the Grace of Cod of England Scotland France & Ireland King defender of the Faith &c^a to our Councillors & Delegates of our General Assembly in our province of Maryland whereas the General Assembly of the said Province by Proclamation of the Proroguation bearing date the 9th of November last stood Prorogued until the ninth day of February instant for divers weighty reasons as thereunto moving we have thought fit & do hereby Declare the said General Assembly to be dissolved and they are accordingly hereby dissolved of which we will & require that you & every of you take due Notice witness our Trusty & well Beloved
p. 271 Nathaniel Blakiston Esqr Capt Genl & Governor in chief in & over our said Province of Maryland the 8th day of february in the 12th Year of our Reign Annoq Dni 1700

N Blakiston

By his Excellency the Capt Genl Lib. X.

A Proclamation

Whereas the General Assembly of this Province by his Majestys Writt under the Great Seal of the said Province dated at the Port of Annapolis the 8th instant was & is dissolved I have thought fit & do by this my Proclamation give Notice to all & singular his Majstys Subjects Inhabitants within this Province that by & with the advice & consent of his Majtys honble Council here I have directed & commanded writts of Election to be issued for the summoning & electing Burgesses or Delegates to serve in a General Assembly of this Provs to be held at the Town & Port of Annapolis in Ann Arundel County the 8th day of May next Ensuing the date hereof & therefore to the end that the said Election may be duly & fairly made & returned I have Directed the said Writts of Election to be forthwith expressly sent to the several Counties of this Province & do hereby require all Freeholders inhabitants thereof that are capable of giving their Vote for electing such Burgessses or delegates that they personally be & appear at the times & Places when & were they shall have notice the several Elections for there several Counties are held to elect & give their Votes for such Gentlemen as they shall think most fit & able to be their Representatives in the said p. 272
Genl Assembly so that there be no grounds for complaints of any undue elections & I do hereby further require all & singular the Inhabitants of this Province that any aggreviances that are fit to be redressed at the said General Assembly that they do communicate the same to their several Delegates & representatives to be Laid before the said Assembly were they will be redressed & I do hereby Command & Require all the Sheriffs of this Province to publish this my Proclamation in all Churches Chappels Court Houses & other publick places of meetg within their several Counties dated at the Town & Port of Annapolis under the great Seal of the said Province this 9th day of february in the Tweth year of his said Majestys Reign &ca Annoq Dni 1700

N Blakiston

God save the King

William R. Lib. H. D. p. 282

Trusty and well beloved we greet you well, Whereas it has been represented to us that it may be Necessary that you should Come into England for the recovery of your health, We have thought fitt to Signify our pleasure to you that in Case the distemper you are under should encrease that you may return home as soon as you find it requisite, taking care

Lib. H. D. to leave things in Such a Condition that there may be no prejudice to the publick by your Absence, and so we bid you farewell Given at our Court att Hampton Court the 28th day of Iune 1701 in the 13th Year of our Reign

By his Matys Comand
Ia: Vernon

Colº Blakiston leave to return home under the Privy Seale.

To our Trusty and welbeloved Nathaniel Blakiston Esqr Our Capt Genll and Governor in Chief of our Province of Maryland in America.

Lib. X. At a Council held at the Town and Port of Annapolis on Saturday being the 29th day of November in the thirteenth year of the reign of our Sovereign Lord King William the third of England &ca Annoq Dni 1701

Present

His Excellency the Governor

the honble { Thomas Tench Esqr, Thomas Brook Esqr, Collº John Hammond }

p. 273 Produced and read his Majestys three Letters to his Excellency of the 21st of May 1701

Appointing Collº Edward Lloyd Mr James Sanders & Lieut Collº William Holland to be of his Majestys Council of this Province

Whereupon the said three Gentlemen appearing at the Board were accordingly sworn and admitted of his Majestys Council within this Province having first taken the Oaths appointed by act of Part instead of the Oaths of Allegiance & Supremacy & Subscribed the Test & Association & then took their Places at the Board

Produced and read his Majestys Letter of the 19th of January 1700 directing a supply of 650l Sterling to be furnished by this Province for the Aid & Defence of the Frontiers of his Majestys Provs of New York

Which being taken into due consideration & this Board desiring to procure a dutiful compliance to his Majestys Commands

It is their opinion that in regard the Govt of New York has never yet called for the said sum it would have been very chargeable to this Province to have conveened the assembly on purpose only to have Supplied the said sum neither would it have been adviseable upon the first Receipt thereof to have

then proposed it to the assembly here who might perhaps Lib. X.
have followed the example of our adjacent Neighbours in refusing the said sum but that it being conveenie[t] Our Assem- p. 274
bly should meet early in the Spring they being sensible of the charge they have avoided by their not meeting this Autumn upon that Occasion may be the easier inclined to give a ready compliance thereto

His Excellency was pleased to Lay before the Board the Right Honble the Lords of Trade & Foreign Plantations Letter to him of the 13th of June with the Proposed Law for the Establishment of Religious Worship according to the Church of England & for the maintainance of Ministers here which said proposed Law is Referred to be Laid before the General Assembly at their next first Sitting to enact the same according to their said Lordships Directions

Then was produced & read their said Lordships Letter to his Excellency the Governor of the 22[d] of July 1701 requiring his Excellency to get the best information he can & speedily transmitt the same to their Lordships relating to the ill Conduct of Proprietary Government especially of Maryland when under that Gov[t] & also of the adjacent Proprietary Government of Pensylvania & the Jerseys

Whereupon his Excellency requires the Members of this Board they having been resident in this Province when under the Proprietary Government to give him the best information they can as to the Observations they have made upon the ill
conduct of that Government & likewise what they know or p. 274
have heard Concerning the Proprietary Gov[ts] of Pensylvania and the east and west Jerseys

To which they do say that as to this Province when under the Proprietary Government of the Lord Baltimore & those by him impowered they have been informed great irregularitys were committed but forasmuch as their Lordships Commands are instant for a speedy Answer they can only give this present account reserving themselves to give their Lordships such further circumstances & Proofs as at Present they cannot for want of time to enquire and examine into viz[t] that they are well assured under the Proprietary Government of this province there were no oaths of Allegiance or other obligatory oaths to his Majesty imposed upon or administred to any person within this Province whether of the Council Iustices or any the Ministerical Officers but that such persons only took an oath of Fidelity to his Lordship the Proprietary & other oaths for the due execution of their respective offices

There were several Laws in the Proprietary Governm[t] with the advice & Consent of the Assembly but how far repugnant to the Laws of England or prejudicial to Trade they cannot

Lib. X. pretend to Judge that they never understood those Laws were sent to England otherwise than to the Lord Proprietary when there residing

That in the said Proprietary Government there were not any appeals allowed from this Province to England but that the Judgment & Sentence of the Govr & Council which was
p. 276 then called & Stiled the upper House of Assembly was final in all Causes & the Governor and Council who were the only Judges of the said Appeals were the same persons who gave Judgment in the provincial Court the Lord Proprietary and his Council being the Judges of that Court.

Two of his Majestys Collectors of Putuxent to wit Mr Christopher Rousby & after him Mr John Pain were murdered in the execution of their Offices tho they cannot say the same was absolutely chargeable upon the Government.

They do not know of any great application made by that Government for Arms and ammunition tho they are very credibly informed & there are several persons yet Living that will attest the 14^{d} ꝑ Ton formerly & yet taken by and paid to the Lord Proprietary as Port dutys was intended & given for the maintenance of Forts & defence of the Province & was originally stiled & called Fort Duties & not Port Duties which duty they humbly conceive does of right belong to his Majesty and doubt not in a small time to demonstrate the same

As to Pensylvania they are sensible that the Raising & lowring coins has been an advantage that Government has had above his Majestys immediate Governments but what advantages they have made thereby they cannot judge but believe it has at some times been the means to draw out the money from his Majestys Governments to the Proprietary Gov^{ts} & for some time & still does continue so to do from this Province to Pensylvania

p. 277 That Government before Governor Pens last arrival there did give too much Countenance to fugitive Seamen Debtors & run away servants going from hence and did rather impede then further their return but Mr Penn upon his arrival gave some redress to those evils & continued so to do during his stay there Especially as to Runaway Servants

That they have been credibly informed that for Years last past many Pirates have resorted to that Government & in great Probability have contributed much to the enriching that Place & do understand that Coll^{o} Robert Quary who has resided there some years is lately gone for england to lay the state of that Province before their Lordships

As to the east & west Ierseys having no comerce with them being remote can only say that they have been Generally

informed that they have been a Receptacle of Pirates with their Effects & have also given encouragement to illegal traders running their Goods there neither have the inhabitants had much regard for the Government imposed on them by the Proprietors having at their pleasures imprisoned their Governor & again receive him as such according to the Prevalency of the several parties Lib. X.

His Excellency having laid before the Board the Accounts of the vestries of the several parishes in the several Counties of this Province which are ready to be sent to their Lordships of trade & plantations &c[a] in order to the obviating some false Objections which have been made in England against the raising and disposal of the 40[l] of Tobacco p Poll here for the Support of the Ministry p. 278

Ordered that the Clerk of the Council see the said Accounts regularly stated and fairly transcribed in order to be sent to their said Lordships

His Excellency proposes to the Conncil that in reguard an opportunity now presents of buying some powder already in the Country whether it may not be advisable att this Juncture to embrace the Occasion

To which the Gentlemen say they are sensible there is a considerable Quantity of Powder already in the Country which is continually decaying and Damnifying therefore do not at present think it Necessary

His Excellency says he has often called upon George Plater & George Muschamp Esq[rs] his Maj[stys] Receivers to give Security for their Receivers places who now propose Thomas Tench Esq[r] & Lieu[t] Col[o] Jacob Moreland to be their securitys which are well Approved of

Upon the Application of George Plater Esq[r] Ordered that the several Clarks of the respective County Courts do forthwith return an exact List of all Fines & Forfeitures in there County Courts w[ch] have fallen since his Majestys more immediate happy Government.

Whereas it is now the winter Season and his Majestys advice Boat Eagle under the comm[d] of Captain Nathaniel Bostock is in this River it is thought advisable that he bring the Vessel into the Creek where she may be ready upon all Occasions if the weather will permit. p. 279

Came S[r] Thomas Lawrence Bar[t] & produced his Majestys Letters pattents to him for the Secrys Office in this Province upon which occasion these Following Minutes which had been taken before his Excellency & the honble Col[o] John Hammond were read & well approved of

Lib. X.

At the Port of Annapolis
Wednesday November 19th 1701

Then came Sir Thomas Lawrence, Baronett, before his Excellency the Governor & the honble Colo John Hammond of his Majestys Council, & Produced his Majestys Letters Pattents of the 11th of July 1701 appointing the said Sr Thomas Lawrence to be his Majstys Secry of this Province

Whereupon his Excellency is pleased to observe that altho the swearing of such Officers has usually been before the Governor and Council yet that all due respect & reguard might be had to his Majestys Commission to the said Sr Thomas Lawrence & that the said Sr Thomas might not be prejudiced in being uncapable to act in his said Station for want of being sworn and subscribing the Test & Association ordered the oaths appointed by act of Parliament instead of the Oaths of Allegiance & supremacy & the oath of Secretary to
p. 280 be administred to the said Sr Thomas Lawrence which he took & likewise Subscribed the Test and Association

The said Sr Thomas Lawrence also gave his Bond in 1000ł sterling to his Majesty for the due Execution of his Office

His Excellency says he does not believe there is any occasion for Sr Thomas to be sworn anew & asks the Board if any of them have any thing further to Offer for his Majestys Service to which they say, not

Then did the Secretary acquaint his Excellency & the Council that he had at present brought no order to be admitted of his Majestys honble Council in Maryland but that he had made it his request to the Right Honble the Lords of the Council of trade that his attendance in the same might be excused for a time which Request they were pleased to grant unto him accordingly

Examined by me
Tho Lawrence Secretary
W Bladen Clk of the Council

At a Council held at the Town and Port of Annapolis the 8th day of May 1702 And in the 14th year of the Reign of our Sovereign Lord William the third of England &ca

Present

His Excellency the Governor

the honble { Tho Tench Esqr, Colo John Hammd, Lt Colo Wm Holland, Mr James Sanders }

p. 281 His Excellency being desirous to take all possible care of Trade and the Shipping now in the Province upon this

Dangerous Conjuncture of an impeding war lays Before the Lib. X.
Board a Letter from Mr Micajah Perry an Emminent Merct in London dated thence the 24th of Jany 1701 & two others the one from Captain Thomas Wharton & the other from Capt John Hyde of as late dates

Which said Letters give Acct of a good Convoy intended to fetch home the Virginia & Maryland Fleets which Convoy was to sail the first of March last but in Regard a Vessel arrived the last week which sailed from England the tenth of March aforesaid & gave account that he was not certainly assured when the said Convoy might be expected thereupon & in respect of the various Opinions of the said Mr Perry Capt Hyde & Captain Wharton his Excellency was pleased to lay before the Board his Majestys Royal Instruction relating to the Stopping & Embargoeing of Ships in this Province Vizt You are hereby directed to take care that in time of War no ships do come from Maryland but in Fleets or at such time as shall be notified from hence for their meeting of Convoys and in case of other danger you are to Expect Directions from whence what precautions shall be necessary for their security

Which being duly considered & that his Excellency has never received any Advice instructions or directions either from his Majesty Secry of State the right Honble the Lords of Trade and Plantations or Lords of the Admiralty what measures should be at this time taken nor any imitation of the said Convoy other than by the said Mercts Letters this Board p. 282
advise his Excy that no Embargo or stop be put upon any Vessel ready to Sail until his Excellency shall Receive such directions & precautions according to the express injunction of the said instruction to be signified from England

Then read

The humble petition of John Jones of Baltimore County Carpenter

Most humbly Sheweth

Unto your Excellency that your Petitioner hath at the last Provincial Court been arraign'd & convicted of Manslaughter & suffered the Corporal Punishment of being Burnt in the hand & hath also forfeited all his Goods and Chattels to our good & most Gracious Sovereign Lord the King so that he hath nothing wherewithal to sustain his wife and six small Children unless your Excellency in Compassion will be inclined to Extend his Majestys mercy and Grace in suspending the execution upon & taking from him the small Estate whereby his wife & Children are supported

And he shall ever pray &ca

Lib. X. This Board considering that altho the petitioners Estate is very inconsiderable yet that he is unworthy but that in regard to his Wife & poor Children will be destitute of any support most of the small Estate Consisting of 7 head of Cattle by which they are nourished advised & Ordered that the seizing his said Estate be suspended till his Majestys pleasure shall be Signified to the contrary however that good security be taken that the said Estate shall be forth coming when required

p. 283 It having been represented that one David Hughs had been convicted for Breaking a store & stealing some small Quantity of Rum & Sugar in which fact his Master was found to have been concerned with him it being Considered that the said David Hughes was a Servant under the Terror of his Master & being very young upon his Great Bewailing his Folley Ordered his Majestys Gracious Pardon be extended to the said David Hughes

His Excellency acquaints the Board that Lieu^t^ Col^l^° Thomas Smithson the present chief Justice of the Provincial Court had refused to serve in that station any Longer than this present Court & asks them who they would advise to supply his Place who say they know of none near so well qualified for that Employment:

Then was read the petition of Major Wm Dent his Majestys Atty Genl & other the practitioners of the provincial Court expressing how easy the said Col^l^° Smithson had made the Business of that Court by his knowledge of the Law & Beseeching either his Excellency to use means to continue the said Col^l^° Smithson in the said Station of Chief Justice or otherwise as in his Wisdom he should think fit to supply the said Office with some other able Learned & Discreet person

Read also the indorsement of the said petition by the honble the Justices of the Provincial Court approving the said petition & being desirous the said Colonel Smithsons desert should meet with a Suitable Reward for the extraordinary pains he takes in Discharging that Trust and Employment.

p. 284 And thereupon it was resolved that in regard, the said Col^l^° Smithson is so well qualified and gives such great Satisfaction to the Country in his Station & for that there is an absolute occasion of a present chief Justice in whose names the writts should bear Test that it be recommended to the next assembly to consider of some Encouragement to be given to the said Col^l^° Smithson for his Continuance in that Station and that the said Col^l^° Smithson be assured that if he will continue to serve in that Trust & Employment his Excellency & this Board will take care that he shall be paid as an Encouragement for the time he Serves not exceeding one year proportionably after

the rate of Fifty Pounds ꝑ Ann out of the 50000ł Tobacco Lib. X.
which his Excellency & this Board are impowered to raise for the Defraying the small Charge of the Prov[s]

His Excellency acquainting the Board that Maj[r] William Dent his Majestys Atty General of this Province who has used great Ingenuity Dilligence & Integrity in serving his Majesty and Discharging his Duty in that Station finding his health much impaired and living Very Remote from the Seat of Government had signified to him his inclination of leaving his practice & desire of being discharged from that Service & therefore desired this Board to represent whom they thought fittest to be appointed to Serve his Majesty in that Employment, who are pleased to say they do think William Bladen very fit for that Service

His Excellency asks the Board if they have any thing further to propose for his Majestys Service who say not at present.

Ordered that Geo Muschamp Esq[r] his Majestys Receiver of Potomack & Pocomoke pay unto Major Will[m] Dent nine pounds & four pence out of his Majestys duty of 3[d] ꝑ hhd for Arms being what said Major Dent disbursed And paid for p. 285
cleansing and fixing the publick Arms in Charles County 1701

W[m] Bladen, Cl Cons

At a Council held at Annapolis
June 26th 1702

Present

His Excellency the Governor

the honble { M[r] Tench, Col[o] Addison; M[r] Brook, Col[o] Hammond; Col[o] Lloyd, L[t] Col[o] Holland; And M[r] Sanders } of her Maj[stys] Council

His Excellency acquaints the Board that whereas he had obtained his Majestys leave to return to England for the Recovery of his health which he designed very speedily with the present shipping he is therefore desirous of setling the Government now the Council is met pursuant to his late Majestys Royal Commission & Instructions

And thereupon was produced & read his late Maj[stys] Royal Commission to his Excellency the Governor under the Great Seal of England dated at Westminster the 19th of October 1698 And as to that particular Clause setling the Governm[t] in case of his Excellencys death or absence upon the eldest Councillor as President, by his Excellencys iustructions the honble Thomas Tench, Esq[r] being the first named is

Lib. X. thought to be the eldest Counsellor and adjudged to preside in his Excellencys Absence.

Read his Majestys Royal Instruction to his Exc^{y} the Governor upon his Death or Absence out of this Prov^{s} allotting one Moiety of the Revenue accruing to the said Govr to the Lt Govr or Commander in chief.

p. 286 Whereupon the Board humbly conceive that the eldest Counsellor is the person intended by those words Commd^{r} in chief and advise that, after his Excellencys departure to wit, the last of June next, her Majestys Receivers should take the Bonds for support of Government, One half to the Governor his present Excellency Nathaniel Blakiston Esqr & the other half to the President, Thomas Tench Esqr his Honour giving his Bond to be answerable for the same in case her Majesty Shall Direct any part thereof to be otherwise applied which he says he is willing to do

Proposed and resolved that his late Majestys Royal Commission to his Excellency the Governor under the Great Seal of England settling the Gov^{t} the Commission to his Excellency as Vice Admiral the Commission for trying of Pirates his Majestys Royal instructions to his Excellency by their Excellencys the Lords Justices the Lords Justices instructions about Trade the right hon^{ble} the Commsrs of the Customs instructions the several Letters under the Royal Signet, and from the Secry of State the Right honble the Lords of trade and Foreign Plantations the honble the Commsrs of her Majestys Customs and Letters to his Excellency from the Lords of the Admiralty be sealed up and left in the Council Office to be delivered up to the honble President upon his Ex^{ys} Departure the last of July next.

His Excellency Observes to the Board that when any Application is to be made to her Majesty by the Secry of State they must direct to the right Honourable the Earl of Manchester who has the care of the Southern Provinces

His Excellency advises and Directs the President &
p. 287 Council that they be very Cautious in pursuing the Instructions of his late Majesty until further Orders from her present Majesty and that they always give Speedy Compliance and answers to the several letters and Directions they shall from time to time receive from the right honble the Lords of the Council, of trade & Foreign Plantations, & that they do not call the Assembly together unless upon an Emergent Occasion & thanks God that he leaves the Country the Church being so well Established and the people happy in the peace and Friendship they mutually enjoy one to the other to the Great Quiet & Prosperity of this her Majestys Government. Wm Bladen Cl Concil

PROCEEDINGS

OF THE

COUNCIL OF MARYLAND

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

THOMAS TENCH, ESQ.
President of the Council.

1702–1704.

At a Council held at the Town & Port of Annapolis in Ann Arundell County on Thursday July the 30th in the first year of her Majestys Reign &ca Annoq Dni 1702 Lib. X. p. 288

Present

The honble Thomas Tench Esqr President of her Majestys Council

the honble { Tho Brook Esqr, Colo Ino Hammond, Colo Edward Lloyd } Lieut Colo Wm Holland & James Sanders Esqr

His Honour the President acquaints the Board that his Excellency Govr Blakiston upon his departure advised him to call the Council before the last of this month and that his said Excellency had acquainted him that Mr John Carvile to whom he had sent the Sheriffs Commission for Cæcil County had returned it refusing to accept thereof wherefore in regard that that County Court was very near at hand on the second Tuesday in the next month & no Person qualified to Act as Sheriff he proposed whether it might Not be proper none having applied for that Office to send a Blank Commission to James Frisby Esqr to give to such person as he shall think fitting for that Office

And Ordered that such Commission be sent to the said James Frisby Esqr to be disposed of accordingly

Also Ordered that Commission of the peace issue for Cecil County appointing Mr William Harris Hans Hanson Mathias Vanderhayden & Edward Blay of the Quorum Ebenezer Blakiston John Stoope John Hynson Joseph Hopkins John Moll & Samuel Byard Justices of the peace & Ordered that the honble Sr Tho Lawrence Baronet her Majestys Secry & p. 289 the Clerk of the Council keep each of them a fair Book wherein to enter the names of all persons appointed & Commissionated to any office in this Province & the time when so that it may be Readily known who are the Officers civil & military within this Province

Ordered that the Sheriffs of the several Countys inquire & make speedy Return of all such Officers names & the dates of their Commissions

It being proposed that whereas the Government of this her Majestys Province is by his Excellencys Departure devolved upon the President & Council how the several Commissions to be issued under the Great Seal should bear Test

Lib. X. Resolved that they bear this Test Witness Our Trusty and well Beloved Thomas Tench Esqr President of Our Council within this our said Province

Then was the Great Seal delivered unto his Honour the President as also the several Commissions & Lords of Trade & Foreign Plantations & Secry of States Letters & those from the Commsrs of the Customs Lords of the Admiralty &c^a according to order of the last Council

His Honour the President desires the advice of the Board where it may be proper to Lodge them who say they think the Council Office the properest place

Resolved that this Board will write to his Exc^y the Lord Cornbury and Colonel Nicholson her Majesties Governor of New York and Virginia to acquaint them of his Excellency Govr Blackistons departure and the Gov^t being devolved upon the President & Council & to desire their friendship to this Province

p. 290 Ordered that the Clerk of the Council prepare the said Letters

Friday July the 31st 1702

The Council Sate again present as Yesterday

Captain Nathaniel Bostocks Letter of the 29th Inst being read requiring this Board to lend him one hundred pounds Sterl for the support of her Majestys Advice Boat Eagle now attending this Province under his Command

The said Captain Bostock being called in was told that the Board has considered of his Letter & are heartily Sorry that it is not in their power to assist him in so great an Exigency & that no instructions have been given this Gov^t or to the said Captain Bostock to apply to them for any Credit or otherwise

And Since that her Majesty has no money here but the 3^d ꝑ hhd which is particularly directed to be applied in Providing this Province with a Constant Magazine of Arms & Ammunition they cannot Supply them out of their own Pocketts not having power to dispose of that money any otherwise than as intended and directed However that her Majestys Service may not Suffer to acquaint Captain Bostock that upon this pressing Occasion they will procure him £100 Sterl provided he will give good Country Security to refund the same in some reasonable time

It being represented to this Board that the Dissenters are very industrious to draw away the unstable People of this Province who not being Sufficiently instructed in the Principles of their Religion are often seduced & that this happens

in a great measure from the neglect of the Clergy in their duty of their Parochial Visitry Ordered therefore that the ministers of the Several Parishes be admonished monthly or at Least quarterly to Visit their parishioners and instruct them in the Principles of there Religion whereby they may prevent their Being Seduced Lib. X. p. 291

Ordered that Mr John Brice Mr Abra Burkett & Mr Josias Toogood be appointed Justices of Ann Arundel County

Resolved that Proclamation issue to Satisfy the Inhabitants that the Govt is devolved upon the President & Council and that all persons are continued in their Respective Offices

Ordered that the several County Courts be advised to give Orders to the several Overseers of the highways to fell such Trees as stand nigh the public Road and have been killed by the Caterpillars or otherwise to prevent the Danger of such Trees falling upon Travellers &ca & that they take care to put the Act of Assembly relating to high ways in due Execution

This Board having nothing further to lay before them desire the honble President to Expedite the Business Of the Province not being of very great Consequence And to Give the Board account thereof at their next meeting

Calvert County ss: Lib. H. D.

By vertue of an order from the Justices of Calvert County Commanding a Resurvey of a parcell of land not exceeding three acres pursuant to an Act of Assembly, upon wch the Courthouse of the said County now standeth, I have therefore Resurveyed and laid out for the Use aforesaid all that parcell of land on wch the said Court house standeth lying in Calvert County on the East side of patuxent river and the North side of Battle Creeke and Begining at a Locust now wth four notches and runing North fourteen perches to a Stake then East fourteen perches, to another Stake, then South ten perches to the Creeke side aforesaid then downe the Creeke as the Creeke runneth to the first Locust Containing one Acre and eight square perches of land this 19th day of Augt 1702 p me

Batson Survr
of Calvert County

At a Council held at the Town & Port of Annapolis the 9th day of October in the first year of her Majestys Annoq Dni 1702 Lib. X.

Present

The honble Tho Tench Esqr President

the honble { Thomas Brooke Esqr, Colo John Hammond, Colo Edward Lloyd } Lt Colo Wm Holland & James Sanders

Lib. X. p. 292 Read the Right Honble the Earl of Nottingham her Majestys Principal Secry of States Letter of the 7th of May last to his Excellency Colo Blakiston with her Majestys Declaration of War against France & Spain

Also the right Honourable the Lords of the Council of Trade & Foreign Plantations Letter of the 13th of April last together with her Majestys warrant for continuing the Use of the present Great Seal of this Province

Read a Letter from her Majestys honble Council of New York desiring the care of this Government to apprehend William Atwood Esqr late chief Justice & Thomas Weavor late Collector of New York in case they should come into this Province they having absented themselves for divers Crimes & Misdemeanors laid to their charge upon reading which Letter his Honour the President acquaints the Board that this Letter tho dated the 27th of July came to hand but the other day for that as he is informed it had Lain a long time in the hands of the Sheriff of Baltimore County the said Sheriff being called in was severely reprimanded therefore But acknowledging his fault was cautioned to take Care of the like neglect for the future for that if he does so he will be dismist from his Office

Read the Honble William Blathwayte Esqrs Letter to his Excellency Governor Blakiston of the ninth of may last desiring that the publick accounts may be regularly transmitted to be laid before the Lord High Treasurer & the Commissioners appointed by act of Parliament where upon it is Observed that his Excellency Govr Blakiston Lately gave very Strict Orders to her Majestys Receivers to transmitt them

Read the Petition of William Bates Master of the Ship Sherburn of London as followeth

p. 293 Maryland ss

To the Honble Thomas Tench Esqr

President & her Majestys honble Council now sitting

The humble petition of William Bates Mariner & Commander of the good Ship Sherburn of London

Most humbly sheweth unto your Honours

That your Petitioner as master of the said Ship being Bound into this Province with the said Ship & Cargo upon his Departure from England had the missfortune to meet with one Edward Randolph Esqr whom your Petitioner after many fair Promises of his good Behaviour received on Board in Order to give him a Passage to Virginia or Maryland with some others of the said Mr Randolphs Friends that the said Esqr Randolph during his passage occasioned great Disturbances on Board the Ship and being dissatisfied with your Petitioner

& some others belonging to the ship Seized in Lynn haven Bay and went on Shore at Kiquotan About Sixteen days ago yet notwithstanding hath not as yet made any Steps towards bringing her to trial so that your petitioners Voyage & trade is much impeded and Damnified wherefore he humbly prays that notwithstanding such Seizure so as aforesaid made by the said Mr Randolph for Which there is no Colour or Pretence whatsoever your Petitioner may be admitted to give good Security to answer Any information to be exhibited by the said Edwd Randolph in England or else where against the said Ship and Cargo & upon giving such may be permitted to go on with his Voyage & Trade here as other her Majestys Good Subjects And he shall ever pray &ca Lib. X.

Whereupon Mr Atty Genl was sent for & also Mr George Plater naval Officer at Puttuxent who said he had received a Letter from the said Mr Randolph alledging the said Ship had Broke Bulk and the said Petition being Considered & that it would be a Loss to her Majestys Revenue to stop the Vessel in her trading & Loading Tobacco it is resolved that the said Master have leave to trade Giving security in the sum of three thousand pounds Sterl to answer any information by the said Mr Randolph to be exhibited against the Ship & Cargo upon the aforesaid Seizure and thereupon came Capt William Bates George Plater Esqr her Majestys Receiver of Puttuxent being present and offered Mr Wm Nicholls Mr Thomas Hynton & Mr Charles Lanceleys of Calvert County for his Securitys whom the said Mr Plater approved of & was ordered to take Bond accordingly p. 294

Elias Nutwells Petition read & referred to the Common Law

Upon Edmund Jenings Esqr his Letter of 23d of Septr 1702 as followeth

Honble Sir

The Occasion of this is by his Excys Commands to Acquaint you that yesterday morning was seen in Lynn haven Bay a very large Ship wearing a Flag or very broad Broad Pendant at the Top mast head and supposed to be an Enemy his Excellency thinks it very much for his Majestys Service and desires with all Expedition you will Order Captain Bostock with her Majestys Advice Ship under his Command down into this Government Time will not further Admit me to add more than that I am

Honble Sir

York River Virginia 23d 7ber 1702 } Your most faithful Ser- p. 295
one of the Clock in the morning } vant E Jenings

Lib. X. Ordered that Captain Bostock bring down from Turkey Point her Majestys Advice Boat Eagle to receive the further Commands of this Government

Ordered that the several Vestrys of the several Parishes of this Province send their Acco^{ts} to the Clerk of the Council Especially South River Parish & St Pauls in Baltimore County

October the 12th 1702

Present

The honble Tho Tench Esqr President

the honble { Robert Smith Esqr / Col^{o} Jno Hammond / Col^{o} Edward Lloyd } Lt Col^{o} Wm Holland & Mr James Sanders

The petition of John Hill and John Stokely of Sussex County in Pennsylvania being read & the reasons & prayer therein set forth being well considered this Board do advise & desire the Provincial Court not to proceed to Judgment in the said Cause until the dividing Line is run between this Prov^{s} & Pennsylvania so that it may be ascertained in which Province the Land lieth the Lands in Question being taken up by several Rights

Came Sr Thomas Lawrence Secry & Complained that Mr Charles Carrol had given him an account of Eighty two Patents prepared this present year but had not sent them into his Office to be recorded & was gone for England that he had wrote to Col^{o} Darnal about the said Patents who had returned for answer that he knew nothing of them but when they were prepared & sealed he would send them in as Usual

p. 296 Mr James Carrol Attorney in fact to Mr Cha Carrol being Sent for & asked for the said pattents says he is Sensible they are in Mr Carrols House but that they are not prepared to be sent to the Secrys Office being neither signed nor Sealed but that so soon as ready will be sent to the said Office

Ordered that Coll^{o} Darnal have notice to prepare the said Pattents with all Convenient Speed & send them to the Secrys Office to be recorded according to his late Majestys Order in Council.

The honourable President acquaints the Board that upon the death of Mr Wm Wyvill riding Surveyor at the head of the Bay he had sent a Commission to Mr William Dyer but being since that acquainted that Edwd Randolph Esqr Surveyor General was arrived in Virginia & not knowing how far his Commission might extend had called it in & prays

advice of the Board resolved that in Regard it is not known when Mr Randolph may arrive that the said Commission be sent up to be put in Execution least her Majestys Service be prejudiced Lib. X.

Ordered that what Ships can be got ready by the tenth of 9 ber they be permitted to sail

At a Council held at Annapolis
October 14th 1702
Present
The honble President

the Honble	Robert Smith Esqr Col° Jn° Hammond	Lt Col° Wm Holland & Iames Sanders Esqr

Then was read Mr John Dowdall Clarke of Cæcil Countys Letter to his Honour the President dated the 11th Of September acquainting his Honour that Divers of the Inhabitants on Elk River had informed Cæcil County Court that there was come to Conestego some Indians that have brought Valuable Apparell belonging to men & women Christians but murthered none. p. 297

His Honour acquaints the Board that, supposing some Robberys might have been committed in this Province he had discoursed Mr Thomas Brook of Prince Georges County thereabout & made Great inquiry but could not hear of any Robbery there whereupon he had wrote to Colonel Nicholson her Majestys Governor of Virginia giving him an Account thereof if perchance any such Robbery had been committed in that Government

This matter being thought worthy of further Enquiry, Ordered that Mr John Hall and Mr Mathias Vanderhayden as Commissioners and John Hans Tillman as Interpreter go to the said Indians at Conestogo & inquire into this Report, and if they find any such Goods that they secure them & enquire what Indians brought them & if under their Government that they see them forth coming

At a Council held at Annapolis the 12th of November 1702 in the first year of her Majtys Reign
Present
His Honour the President

the honble	Colonel John Hammond Lieut Col° William Holland Mr James Sanders

Lib. X. Read a Duplicate of the Earl of Nottinghams Letter of the 7th of May with her Majestys Declaration of War against France & Spain

p. 298 Produced & read his Excellency the Governor of Virginias Letter of the 5th of October to his Honour the President desiring him to send down the Eagle Advice Boat to Kiquotan to help the Southampton to careen & thereupon ordered that the said Captain Bostock with her Majestys Advice Boat Eagle go down to Kiquotan with the first fair wind and weather presenting there to receive the directions of his Excellency the Governor of Virginia for her Majestys Service in that Colony

Read Captain Bostocks Letter of the 6th of November 1702 expressing what straight he is in for want of Victuals

Whereupon Ordered that upon the said Captain Bostocks giving his Bond to her Majesty for his repaying One hundred pounds Geo: Plater Esqr her Majestys Receiver of Puttuxent Districk pay unto the Captain Bostock One hundred pounds Sterling for the Supply of her Majestys Ship Eagle Advice Boat.

Read his Excellency the Governor of Virginias Letter of the 4th instant to his Honour the President giving An Accot that forasmuch as there were Letters from Engld Advising that a man of war might be shortly expected to relieve the Southampton he had laid an Embargo on the Shipping in that Colony hoping the Ships ready to Sail for England might have the Benefit of Convoy under her Majestys said Ship the Southampton

Resolved that the General Assembly be prorogued until the first day of February next.

Major Josiah Wilson Sheriff of Prince Georges County Represents to the Board that, by mistake one Hundred
p. 299 thirty six Taxables were not brought into this Years List.

Whereupon ordered that he collect the publick & County Levy ꝑ Poll from the said Persons and be accountable for the same to the next Assembly & Committee for Laying the publick Levy

Then came Mr Thomas Howell Minister of Choptank & Dorset County Parishes & complained against Mr Anthony Le Count Hezekiah Mackey & Stewart, Vestrymen of Choptank Parish for that they had Letted him in the Enjoyment of his rights and Priviledges & turning him out of the Vestry & taken the Records of the Vestry away violently Mr John Le Count saying that he Would Justify the same and bear all Charges

The said Gentlemen being summoned appeared & being asked what reason they had to use such Violent proceedings

Mr Le Count says that by the new act for Establishing Religion Lib. X.
the said Minister had been suspended from one of the said Parishes & further that his Habitation was in Choptank Parish but being told that he mistook the act of Assembly as not retrospicient they promise for the future to take care exactly to comply with their Duty & are ordered to withdraw

This Board having well Considered the said Complaint & finding the said Vestry had not wherewith to Justify their irregular proceedings against their Minister what they alledged being altogether mistake & Ignorance in the Law yet upon their promise of endeavouring what in them Lyes to comply with their Dutys in their Stations were remitted

But this Board Considering what Great charge Trouble p. 300
and Expence they had put Mr Howell to in coming several times over the Bay for his reasonable Relief & Redress of the injury they had offered him Order that the said Mr John Le Count Hezekiah Mackey & Robert Steward do pay unto the said Mr Thomas Howell the sum of Eighteen hundred pounds of Tobacco towards Satisfaction of the great Cost & Charge they have put him to

And they being called in the said Order was read to them

Then was read Mr Gabriel D'Emillian Minister of Nangemy & Port Tobacco Parishes Representation

To their Honours the President & Council for the Province of Maryland now assembled

May it please your Honours

Gabriel D'Emilliane Minister of Nangemy & Port Tobacco Parishes in Charles County your Honours most humble Petitioner does humbly represent that the Aforesaid Parishes being not able to give him a competent Subsistence as having the Charge of a Family & having Experienced that the said Revenue is not Sufficient to supply him with necessarys whereby he hath been obliged to Run in debt thirty three Pounds in one year tho he was Reduced next to a starving condition with his Family the last Summer

Therefore your Honours most humble Petitioner to Avoid the bad Consequences of running further into Debt & being advanced in years & sickly not fit now to undertake the Planting Trade or other things Conducing to Better his Circumstances and having received since his Coming into p. 301
this Province none of the helps Promised in England to Ministers residing in small Parishes nor the Advantage of two Blacks Granted to his Glebe which he was to have at his first coming into Nangemy Parish the Bill which he had drawn

Lib. X. upon the Reverend Doctor Bray for the purchasing the same being returned Protested & his Parishioners of nangemy having not complied with the Building of an house which they were according to Agreement to have built for him at his first Coming to the Parish whereby he hath been sadly disappointed & put to Charges he humbly supplieates your Honours that he may be translated from the said Parish to Christ Church Parish in Calvert County now vacant where he is unanimously desired by all the Vestry & parishioners as does appear by their address to his Honour the honble President Esqr Tench which great act of Charity to him and his distressed Family he shall ever acknowledge

And pray &c^a

Your Honours most humble Petitioner does further Represent that his mission into these parts by my Lord Bishop of London is not confined to any place in Particular but in general to perform the ministerial Functions in the Province of Maryland and his being chosen to be sent to Nangemy was at his Request your Honours most humble Petitioner made of it to the Reverend Doctor Bray thinking there was some advantage to be settled on a Glebe not understanding then the Affairs of this Country

He knows that some are of Opinion that he can do some considerable good among the papists there hav^e Been
p. 302 formerly a Romanist himself but he doth to his Grief Experience the Contrary for the Priests of those places have so deeply put into their heads that they ought by no means under pain of mortal Sin to enter into Conference or discourse with an apostate so they do call him that he perceiveth they fly all from him & abhor his very Name & Sight therefore he humbly conceives any other Protestant Minister whom they should not abominate so much would be more likely to Succeed among them

The Board being very sensible of the said M^r D'Emillians good Qualifications & that the Parishioners are very desirous to have him ordered that a Presentation to the said Parish of Christ Church in Calvert County be drawn for him

The honble Col^o John Hammond Judge of the Vice Admiralty took the oaths of Allegiance & Oath of Trade & Subscribed the Test

His Honour the President acquaints the Board that he finds that Capt Staples and other Ships tho not quite ready might be got ready in a very short time he had Ordered the Naval Officers not to clear any until the 17th Instant which the Board approved of & further ordered that the Naval Officers do not clear any Ships until Monday 23^d Instant.

Ordered that a Letter be wrote to his Excellency the Governor of Virginia giving notice of the Ships being Staid that his said Excellency may have the Opportunity of sending by them his Letters for England Lib. X.

Mr Nicholas Spurns Petition for the remittance of a Fine under ten pounds Sterling upon a Qui tam Brought by Mathias Mockboy was read & Granted the said Action being Spiteful & Vexatious

Friday November the 13th 1702 p. 303

The Council Sate present as yesterday

Came Mr Joseph Holt minister of William and Mary Parish in St Marys County in obedience to a summons sent him to attend this Board but forasmuch as there was no accusation transmitted against him hither by the Justices of the said County nor the vestry of the Parish tho directed so to do this Board could not proceed further against him but acquaint him that they are informed there was a Bastard Child laid to him by a Woman that pretended to be his Kins-woman & further that he associated with another Woman of ill Fame to the Dishonour of the Church & his Profession besides the advantage that will be taken by the Enemies thereto with the dissatisfaction & trouble given his Parishioners by such ill actions

To which he answered that it was out of Spleen and Malice that, that impudent woman had charged him with that Fact & that she had uttered many threatning speeches against him & falsely accused him which he did not question but in some time to make appear & promised that for the future he would be more circumspect & avoid all just Occasions of giving any Offence during his Stay in the Parish Upon which the Board ordered him to return thither and Execute his ministerical Function expecting the Parishioners should cultivate all the good Offices of mutual Friendship and that he should in three or four months transmit to this Board a Remonstrance or Testimonial signed by the Vestry & some others of the Chief of his Parishioners Confirming what he proposes

Mr William Nichols his petition read praying for a speedy Trial of the Ship Sherburn Edwd Randolph Esqr her Majestys Surveyor General being present says he had no ways delayed the said Trial for that he had twice taken his Passage hither from Virginia & was once Drove on Ground & another Time out of the Capes & had been forced to travel two hundred miles before he got hither but now says he is desirous that p. 304

Lib. X. his Honour the president should appoint a time for her Trial but in case he cannot then be ready by reason that his witnesses are absent & the uncertainty of the weather his Evidences being over the Bay he hopes he shall not be suprized but as for his part he promises he will do what in him Lyes to come then to Trial nay sooner if Possible the other parties consenting that it may appear that there is no delay on his part

At a Council held at the Town & Port of Annapolis Friday January the 28th 1702/3

Present

The honble Tho Tench Esqr President

the honble { Colonel Hammond & Mr Sanders }

Ordered that her Majestys Justices of the Town & Port of Annapolis take care to see the Act of Assembly for keeping good Rules and Orders in the said Town put in Execution & that they keep their Courts regularly According to Act of Assembly

p. 305 Thursday February the 25 1702/3

The honble her Majestys Council Sate

Present

The honble Thomas Tench Esqr President

the honble { Colo John Hammond, Colo Edward Lloyd, Lt Colo Wm Holland, James Sanders Esqr }

Read his Excellency Gov Nicholsons Letter of the 27th of January & inclosed news from England

Read Capt Nathl Bostocks Letter of this days date Requiring a Store House & that the Government would take Care about careening her Majestys Advice Boat Eagle in May next

Ordered that Captain Bostock have notice that the Council will sit to morrow when he may make his Application as he sees fit

Mr George Parker Sheriff of Calvert County excused from Mr Platers Complaint

Friday February the 26th 1702/3 Lib. X.

The honble her Majstys Council Sate

Present as Yesterday

His Excellency the Lord Cornburys Letter her Majstys Governor of New York to the honble President was read Giving an Account in what ill Condition the Forts are there & desiring his Honour to take such measures with the Council that the Quota ordered by his late Majesty for the Defence of the Frontiers of New York be ready early in the Spring that they may not want that Assistance

Ordered that a Letter be wrote to the said Lord Cornbury p. 306
signifying that upon receipt of his Majtys Letter the General Assembly of this Province have voted three hundred Pounds which when his Lordship shall Require pursuant to his said Majestys Order will be paid

Ordered that upon the Lord Cornburys requiring the said three hundred pounds pursuant to his Majtys Order the Clark of the Committee for apportioning the publick Levy draw the Orders upon the Treasurers & see firm Receipts given for the same

Sr Thomas Lawrence her Majestys Secry his Representation read as followeth vizt

Annapolis February 25th 1702/3

To the honble Thomas Tench Esqr President & to the rest of the honble Gentlemen of her Majestys Council in Maryland

Sr Thomas Lawrence her Majestys Secry complaining representeth that in July last Mr Cha Carrol Clark of the Pattents to the Lord Baltimore told me that there were eighty two Patents prepared by him & ready to be sent to Colo Henry Darnal Keeper of my Lords Seal to Affix it unto them Mr Carrol also delivered to me my List of my part of the Fees arising from them amounting to nigh 13000 ℔ Tobacco I desired him to order them to be sent to my Office to be recorded forthwith because of his intention as he declared of Going for England in the Fleet he then desired to buy of me my List of fees of 13000l Tobacco for which he offered me little more than 4sh ꝑ Cent And demanded in Discount p. 307
half the Fees of Searches in the Land Office in my Custody that should issue out this last Year & at the same rate I told him that I would not sell him my Fees at that Rate and that he had nothing to do with the Searches in my Land Office which by the Kings Order of February the 13th 1695 were expressly to be paid to the Secry even by my Lords Officers

Lib. X. themselves upon which he replied if I persisted in that mind no Patents should be sent to be recorded in the Secrys Office this Year & further threatned that he would cause my Lord to alter his method of letting his Lands in this Province & to do it by some other sort of Assurance than by Patents as usual & to Show he was in earnest after having said the same thing to my Self on board the Fleet at the capes wrote to Mr Willm Taylard July 27th after this manner

I find Sir Thomas and I cannot agree about the Division of the Fees therefore the trouble of recording the Patents will be saved to you this Year for I am resolved now he is so unreasonably Stiff to try another course when I am come home at my return to Annapolis towards the Latter End of August taking no notice of the dispute betwixt us I wrote to Colo Darnal & sending the Accot of the Pattents under Mr Carrols hand by Mr Ino Freeman received the Colonels Answer the 4th of September following & refer the Copy of my Letter and his answer to the Consideration of this honble Board but finding Colo Darnal take no further notice of the matter on the 12th of October last upon Application to the honble Mr President & the Council I obtained an Order to the Colonel to Bring in the
p. 308 Patents to be recorded in my Office according to the Kings Order to this the Colo Replied that having been ill those Patents had not been sent but should so soon as he was capable of comg to Mr Carrols house as by his Letter to Mr Bladen & to my Self of October 4th 1702 but perceiving that all was Artifice and Delusion on Colo Darnals part I applied Again to the honble Board Novr 13th and had a further Order requiring his Appearance at the next Council in Case his Promises were not complied with in the mean time—but nothing being done Colo Darnal did appear before the honble the President Colo Hammond & Mr Sanders 28 of January last & notwithstanding I pressed he might then dispatch them being himself in good health & the Weather good & Mr Carrols house so nigh & not withstanding that Mr President Offered him time to do it by the latter end of March now coming that the Patents might be recorded before the next Provincial Court to be then delivered to the respective Purchasers Concerned yet did not the said Colo Darnal refuse both these proposals giving no reason for his refusal but that my Lord Baltimore & his Officers were not to be tyed up or limited to any certain time but to do it when they can convenient or Words to that Effect

I do therefore in behalf of her sacred Majesty of the Country & of my selfe in due discharge of my Office lay the Premises before the honble Board and do desire that A peremptory Command may forthwith issue forth requiring the

said Col° Henry Darnal to seal & send in the Patents afore- Lib. X
said to be recorded in the Secretarys Office according to the Presidents proposal by the last Day of March next at his Perill

Tho: Lawrence

Whereupon his Honour the President acquaints the Board p. 309
that Col° Darnal had been summoned but there not being a full Council nothing was done

Resolved that the Clerk of the Council write a Letter to Col° Darnal & send a Copy of Sr Thomas Lawrences Representation with all the proceedings and advise him to finish and send in the said Pattents to the Secretarys Office by the last of Mar next otherwise this Board will be obliged to joyn with her Majestys Secretary in making a due Representation of this matter

Capt Nathaniel Bostock Commander of her Majestys Advice Boat Eagle being sent for came & is told that whereas he had been credited by the Council for £100 Sterl for which he had passed his Bond to her Majestys Receiver it is expected that he should call at Patuxent & pay his Bills of Exc° upon the Victualling Office for the said sum

The said Captain Bostock is told that there are some Claims against him by private persons which he had refused to comply with the one by the Widow Norwood & the other for a Sloop but that out of respect to her Majestys Service his Honour the President had forbid the Sheriff from arresting him

Captain Bostock says he will Clear the Country of what he owes to any Body

The warrant given Captain Bostock by his Hon^r the President for impressing his Campliment of men to be Born on board his Ship & for going down to Virginia read & Approved of

Captain William Blairs Commander of the Ship Providence his petition read as followeth

To the Honble President & Council

The humble Petition of William Blair Mariner & Master of p. 310
the Ship Providence

Most humbly Sheweth unto your Honours that your Petitioner is concerned in a Ship very near Loaden & hopes to be ready to Join the Fleet under the convoy of the Southhampton man of war but so it hath happened that since his arrival into this Province Captain Bostock Commander of her

Lib. X. Majestys Advice Boat Eagle imprest two of your petitioners Saylors which with much perswasion he was pleased to leave on Board but being now ordered to Virginia demands one George Wayte one of the best Sailors on board your petitioners Vessel & has commanded him to send him on Board the said Advice Boat otherwise threatning further damage by impressing more of your Petitioners men who are very few wherefore unless your Honours will be pleased to lay your orders on the said Captain Bostock to desist impressing his Saylors he is afraid his Voyage will be utterly overthrown at least must be forced to remain in the Country until another Convoy present which will be very Chargeable

Ordered that the said Captain Bostock be told that this Board do believe that the said man should be imprisoned it would be a means to disable the ship on her Voyage espcially considering he has but six men besides two French Prisoners of Warr therefore direct him not to take him from on Board

Captain Bostock being sent for came & was made Acquainted with the aforegoing Order

p. 311 Captain Bostock being asked in what readiness he was to Sail for Virginia says he has not yet got his Complement of men to be borne on Board his ship but that he will do his Endeavour the first fair Wind and weather presenting

His Honour the President was pleased to tell Capt Bostock that his men had not discreetly behaved themselves in impressing according to the warrant for that they had made such a noise that they had given an alarm to such men as might have been had for the service & getting drunk had let others go which they had taken

Mr Richard Beards account for looking after the publick Arms referred to the next Council

Mathew Beards petition read & ordered that he Officiate as Marshal or Water Bailiff of the Western Shore till further Orders

Mrs Elianor Tubmans petition read & recommended to the Vestry of all Faiths Parish in St Marys County to allow what they think reasonable for Mr Tubmans Service if not as minister yet as Reader

Lieu^{t} Col^{o} Holland having a Claim for 6070^{l} tob from Col^{o} John Cood late Sheriff of St Marys County in the year 1695 Unsatisfied upon his petition it was ordered that the said Col^{o} Coods Bond be assigned to him to be put in Suite for the Recovery of his Demand

At a Council held at the Town & Port of Annapolis Wed- Lib. X.
nesday April 14th in the 2d year of her Majestys Reign Anno Dom 1703

Present

The honble Tho Tench Esqr President

the honble { Colo John Hammond, Colo Edward Lloyd, Colo Wm Holland }

Produced & read the right Honble the Lords of trade & Plantations Letter to the honble the President & Council of the 11th of November 1702 with her Majestys Proclamation for a Solemn thanksgiving for God Almightys Protection and the Good Success he has Vouchsafed her Majestys Arms for which their Lordships Direct a day for a Solemn thanksgiving to be set aside in this Province

Ordered that Proclamation issue appointing the first of May for the said Solemnity at the Town & Port of Annapolis in Ann Arundell County & the 29th of the same month in all other parts of this Province

The President acquaints the Board that he had Upon Oath received a Complaint of some unwarrantable Actions committed by Captain Nathaniel Bostock Commander of her Majestys Advice Boat Eagle within this Government and thereupon produced the honble James Sanders Esqr & Captain James Mitchell's Depositions concerning the Violence used by Captain Bostock upon his Impressing on Board the Owners Adventure which are as follow

Maryland March 5th 1702/3

James Sanders Esqr One of her Majestys honble Council p. 313
being sworn upon the holy Evangelists Deposeth that on Wednesday last in the evening the Deponent at the Request of Captain James Mitchell went on Board the Ship Owners Adventure in South River & tarried there all that night the next morning capt Nath Bostock Commander of her Majestys Ship Eagle Advice Boat came On Board with his Doctor & Boats Crew with their Arms were they were so violent & unruly that the Deponent hearing them got up out of the Cabbin the Cabbin Boy Acquainting him that the Captain of the man of war was Come on Board & they were all fighting so that the Dept Came out being not Drest & desired Captain Bostock to Command his men to keep the Queens Peace but the said Captain Bostock gave no Reguard thereto only said that Captain Mitchell had two of his men & had hid

Lib. X. them in the Ship whereupon Captain Mitchel not being then On Board the Deponent caused some of the Ships Crew to hollow on Shore for him and proposed that whereas the Wind was Southerly that Captain Mitchell should send his Pinnace to Chester to fetch the men Captain Bostock had Lent him who very readily agreed to the Proposal but the said Captain Bostock saying he was a Gentlem^n^ by his Commission threatning to take three of his best men tho he had thought to take but two & that his Commission would bear him out of it & calling Capt Mitchell Dog and Rogue swaggered & swinging his Cane over his head threatned to crack his Crown and tho the Deponent Offered to the said Bostock that it would be ruinous to the Ship & Cause her to
p. 314 Lose her convoy which she might Now probably hope to go with provided he did not so Disable her by taking away the chief mate & men he would not hearken thereto but swearing Damn him Damn him cut him down bad his men throw the mate head foremost & Carried him away with two other men belonging to the said Ship swaggering & hectoring what he would do to the said Mitchell & Ship & that he would if he could but get him into the Bay take both him and his Ship whereupon the Deponent said he hoped the said Bostock would not forget his Commission & Turn Pyrate

Jurat cor nobis James Sanders
Tho Tench
Jno Hammond

Maryland Annapolis Friday March the 5th 1702/3

Then came before the honble the President & Council Capt James Mitchell Commander of the ship Owners Adventure of London now riding in South River in this her Majestys Province and did Solemnly declare in the presence of Almighty God the witness of the Truth of what he said that on Tuesday the 2^d^ Instant One Wallace Mate to Captain Bostock Commander of her Majestys Advice Boat Eagle about six of the Clock in the Evening came on Board his Ship in the Pinnace Belonging to the said Advice Boat together with the Boats Crew who Stiled him Master whereupon the Attestant desired him to walk aft & entertained him very kindly till very late between twelve & one of the
p. 315 Clock as he Believes & then ordered a Bed and Supper in an Ordinary on Shoar by the said Ship to be got ready for the said Wallace who then told the Attestant that he was ordered by Captain Bostock to bring away the two men he had lent him or otherwise the two best men on Board whereupon the Attestant demanded by what Authority & thereupon the said

Wallace pull'd out of his Pocket an Order or warrant which Lib. X.
the Attestant did Conceive and verily believes was the order or warrant of the honble President lately given said Wallace upon his being sent with a Sloop for relief of a certain ship run on the Tangier Islands & verily Believing him to have no Authority to impress any of his men turned him & the Boats Crew from on Board the Vessel after which the next morning said Wallace Came on Board again and was something milder but the Attestant finding him to have no Authority to impress his men told him he should have none of them whereupon the said Wallace left the ship and the attestant endeavoured to make his application to the President for his Protection but not finding him at home did apply himself to the Honble James Sanders Esqr one of her Majestys Council who at his request came on Board the Attestants Ship & was perswaded to tarry on Board all night where early the next morning came Captain Bostock with the Boats Crew & Chirurgeon and entring on Board bad his Crew Ask for the chief Mate & heave him into the Boat & two men more which they took away abusing hacking & cutting the mate who was unwilling to go with them the said Captain Bostock swearing many Execrable Oaths much Abusing the Attestant Damning him & the Voyage & threatning when the Attestant came down he would Seize the Ship & ruin him saying p. 316
he would meet him in the Bay & then bad the Attestant stand clear & when the Honble James Sanders Esqr of her Majestys Council as aforesaid seing the Violence used as aforesaid in her Majestys name commanded the peace Captain Bostock swore that he would warp his Ship along the Attestants ship Side

Iur cor nobis James Mitchell
Thomas Tench
Jn° Hammond
James Sanders

Also was read the honble Presidents Colonel John Hammond and Mr James Sanders Letter of the 5th of March to his Excellency the Governor of Virginia vizt

Maryland Annapolis March 5th 1702/3

May it please your Excellency

We are heartily Sorry that we have this Occasion given us to acquaint your Excellency of the ill Behaviour of Captain Bostock Commander of her Majestys Advice Boat Eagle upon which we trouble you with the inclosed Papers being Depositions Council proceedings and his Sailing Orders for your Government

Lib. X. Your Excellency may be pleased to perceive how kind this her Majestys Government has been in assisting & Supplying him for her Majestys Service also how civilly we have treated him in giving him due notice of some Actions at Law against him after which in Defiance of the Government when upon his refusal to comply with his Creditors the Sheriff was obliged
p. 317 no Longer to forbear He drew his Sword in presence of the President swearing the Death of such as should lay hands upon him and betaking himself to her Majestys Advice Boat Boasted he would take the Queens Garrison nay further we are informed that he threatened he would Sacrifice the last Drop of Blood in his Ship before he would be taken thus he behaved himself upon his Going from Severn & notwithstanding the Restriction in his Orders given him upon impressing & the Caution in Council that he should not disable the Ships your Excellency may by the inclosed Depositions upon his coming to Anchor in South River see how despitefully & arbritarily he hath Behaved himself to this her Majestys Government Alledging that his Commission would bear him out in those violent & unwarrantable Actions

S^r^

We hope your Excellency will receive this as intended a true Character of the said Captain Bostock & his Behaviour here which we hope may be of Service to you as for our parts we must Acknowledge to have been deceived in him therefore at present we will leave him & his proceedings here where we have no proper Force to supress him to your Excellencys most candid Opinion withal intreating your Excellency that so soon as your Government shall be supplied with another Guard Ship in the Room of the Southhampton & her Majestys Service may allow thereof you will be pleased to order him up to this her Majestys Government where he may be answerable for what he has committed here

We are Sir
Your Excellencys most obliged faithful
humble Servants
p. 318 Tho Tench President
John Hammond
James Sanders

The honble President likewise acquainted the Board that with the advice of the said Colonel Hammond & Mr Sanders he went down to puttuxent where meeting with the said Captain Bostock upon his Obstinate Behaviour he had Committed him by the following Mittimus vizt

Maryland ss Calvert County March the 9th 1702/3 Lib. X.

By Virtue of his Late Majestys Commission directed to his Excellency Nath Blakiston Esqr Govr of Maryland & in his Absence to the Commander in Chief or President of his Majestys honble Council impowering him upon just Causes or Reasons to Suspend Any Commander of his Majestys Navy within this Province & to commit him into Custody either on Board his own ship or else where according to their Discretion so it is that Captain Nath Bostock Commander of her Majestys Eagle Advice Boat has committed some Breaches of Orders given him by this Government & by Complaint & information committed Outrages slighted & Contemned the Power and Authority of this her Majestys Government contrary to his instructions whereupon with the Advice of her Majestys Council I do hereby suspend the said Capt Nath Bostock from his Command on Board the said Ship Eagle & strictly Charge & in her Majestys Name command you to take into your Custody the above named Capt Nath Bostock & him safe keep on Board of her Majestys Eagle Advice Boat until you shall Arrive within the mouth of James River then & there P. 319 to deliver him unto Captain James Moody Commander of her Majestys Ship the Southhampton with this Precept that by him the said Captain Nathaniel Bostock may be secured until his Excellency Govr Nicholson shall dispose of him according to his Discretion to answer before his Excellency or whom he shall appoint to what shall be Objected against him in behalf of her Majesty by this Government hereof fail not at your perill & for so doing this shall be your warrant Given under my hand and Seal the day & year above written

Tho Tench President

To the Principal warrt Officer & other Officers on Board her Majestys Ship Eagle Advice Boat during Capt Bostocks Suspension	Memd Copy of this sent to his Excellency her Majstys Governor of Virginia

Greeting

Then was Produced & read his Excellency the Govr of Virginia Letter to the honble President of the 23d of Mar wherein his Excellency acknowledges the receipt of two of his Honours Letters of the 22d of February & 6th instant but not of that sent by the Eagle Advice Boat which is Supposed not to be delivered to his said Excy also his said Excellency was pleased to communicate to this Govt that he had embargoed the Ships in his Government until the 13th of May further his said Excellency was pleased to send a Copy of the Orders he had

Lib. X. given to Capt Bostock to return to this Government to Careene his Ship here & then desired the President & Council so soon as the Ship here could be got ready to Join the Ships there bound for England the said Captain Bostock with her Majestys Advice Boat Eagle might be sent down to Virginia for her Majestys Service in that Colony

p. 320 Ordered that the Marshall or Water Bailiff do go On Board her Majestys Advice Boat Eagle now riding at the mouth of Severn River and serve or Deliver the following Order upon or to Mr John Symon the Carpenter & principal warrant Officer & other Officers on board her Majestys Eagle Advice Boat during the Suspension of Capt Nath Bostock vizt

By the honble the President & her Maj^{stys} Council

You are hereby in her Majestys name required & Commanded upon receipt hereof to bring before my self & Council at the house of Mr John Freeman in the Town & Port of Annapolis Capt Nath Bostock lately committed to your Custody that he may answer to what shall be Objected against him on her Majestys Behalf & be dealt with according to Law further you are also in her said Majestys name commanded & required to bring on Shoar with you before my self & her Majestys honble Council at the place aforesaid

Wallace Mate of the said Eagle Advice Boat and the two men lately impressed from on Board the Ship owners adventure James Mitchell Master to be examined at the Council Board on her Majesties Behalf hereof fail not at your Perill Given under our hands & Seals this 14th day of April in the Second year of the Reign of our Sovereign Lady Ann by the Grace of God of Scotland France & Ireland Queen Defender of the Faith. Annoq Dni 1703

Tho Tench President
Jno Hammond
Edwd Lloyd
Wm Holland

p. 321 The afore Order was delivered to the Marshall who came and made return upon Oath to the Board that he went with his Boat within twenty or thirty yards of the Eagle Advice Boat and Captain Bostock being upon the Quarter Deck held out his cane & bad them stand of & asked what Business they had whereupon they told him they had an Order from the Council to deliver to Mr Symons then he said they might come on Board whereupon the said Marshal said he had an Order to deliver to John Symons the Carpenter & asked for

him who was not to be seen but One of the Ships Crew badd the Marshall deliver his Order to him for that Symonds had sent him for it & such time as he had Delivered it to that person & not before they told him that he alone without any Body else might come on Board but after a small time that they had been by the Ships Side Captain Bostock badd them put of from the Ship & be gone about their Business Lib. X.

Thursday April 15th 1703

The Council Sate Present as Yesterday

Captain James Mitchel Commander of the Ship Owners Adventure of London that notwithstanding that Captain Bostock had received on Board the two men which he had Lent him & that the said Captain Mitchells Ship was but very weakly manned he had still detained two of the three men he lately impressed from on Board the Ship Owners adventure

Resolved that the Marshall carry the following Order on Board the Ship Eagle Advice Boat

Maryland ss p. 322

By the honble the President & Council You are hereby in her Majestys Name directed Commanded & required upon sight hereof to deliver unto Mr Mathew Beard Marshall two men now on Board her Majestys Advice Boat the one called John Magan the other Robert Banks lately impressed from On Board the Ship Owners Adventure James Mitchell Master contrary to the intent & Direction of this Govt the said Ship being at present but weakly manned & Very likely to suffer by want of the said two hands fail not Duly to Comply with this Order as you will answer the Contrary at your Perill Given under our hands & Seals this 15th day of April in the second year of her Majestys Reign &ca Annoq Dni 1703

Thomas Tench President Θ
John Hammond Θ
Edward Lloyd Θ
Willm Holland Θ

To the Commander in Chief for the time being on Board her Majestys Eagle Advice Boat.

Resolved also that this further order be sent on Board her Majestys said Advice Boat by the Marshall &ca

Maryland ss

Sir

We do hereby in her Majestys name command & Require you immediately upon sight hereof to transmit to this Board

Lib. X. your Reasons why our order of Yesterday for the Service of her most sacred Majesty were not Duly Complied with further you are in her said Maj^y Names required & Commanded forthwith to transmit to us the President & Council on whom the Government of this Province in the Absence of
p. 323 his Excellency Col^o Nathaniel Blakiston her Majestys Captain General & Governor in chief thereof is devolved according to the Instructions of the Lords of the Admiralty dated the 25th of June 1701 a true and Exact Journal of your Proceedings since his said Excellency Col^o Blakistons departure as by their said Lordships Instructions is directed and you are required to do every three months or oftner hereof fail not as you will Answer the contrary at your Peril Given under our hands and Seals this fifteenth day of April in the second year of her Majestys Reign &c^a Annoq Dni 1703

Tho Tench President Θ
John Hammond Θ
Edward Lloyd Θ
Wm Holland Θ

To Captain Nath Bostock
on Board her Majestys
Eagle Advice Boat

Came Onesiphorus Haughton Chirurgeon of the said Advice Boat & says he was ordered by Captain Bostock to present the following Letter to the President and Council vizt

Honble Gentlemen

I acquaint you that I have been here with her Majestys Vessel above this eight days expecting your Orders but have received none it being fittest for her Majestys Service that the vessel should be at the mouth of James River to prevent false trading & protecting this Province there being never a man of war there do think fit to Sail there with the Consent of my Officers if you do not send me orders so to do I am

Honble Gentlemen
Your humble Servant
N Bostock

p. 324 Her Majestys Advice Boat
Eagle at the mouth of Severn
April 15th 1703 Maryland

Tim Cockling Boats
John Symonds Carpenter

Gent I desire your immediate answer

The said Doctor Haughton being asked if he had brought any answer from Captain Bostock to this Board says that he has nothing further to deliver that he has nothing to do with the Command of the Ship nor has been advised with by Captain Bostock as the Boatswain & Carpenter have & then withdrew

Came the Marshall & upon Oath acquainted the Board Lib. X.
that upon his going to the Eagle Advice Boat when he was within a small distance of the Ship Capt Bostock asked their Business

Whereupon he told him his Business was with the Commander in chief of that Vessel Captain Bostock answered I am he & then sent the Cockswain on the Ship Side to take what papers he had who took them & in his sight gave them to Captain Bostock & thereupon he requiring An Answer one of the men whom said Marshall sent to him to ask for an answer said he should have one by & By whereupon he tarried in his Boat about half an Hour by the Ship side not being suffered to come on Board & then Capt Bostock sent his Boy to tell him the Orders required no Answer

The further Debate of this matter referred to a full Council

It being Offered that several Mercht Ships to the Number of Five were near ready to Sail for England Ordered that p. 325
the Naval Officers clear all such Ships as Can be got ready by the tenth of May next & take their Bond in £1000 Sterl that they will call at Kiquotan in Virginia & joyn themselves with a Convoy if any there or otherwise with any Fleet of Merchant Ships ready to Sail from that Colony to England

The President asks if any of the Board have any thing further at present to offer for her Majestys Service who say not

At a Council held at the Town & Port of Annapolis May the 4th 1703

Present

The honble Tho Tench Esqr President

the honble { Robert Smith Esqr, Colo Jno Hammond, Colo Edward Lloyd } Lieut Colo Wm Holland & James Sanders Esqr

The whole Proceedings of the President & Council in Relation to her Majestys Advice Boat Eagle & Captain Nathaniel Bostock the Commander were read & well Approved of and the said Captain Bostock being Sayled with the Vessel out of this Province without any Orders from the Govt Ordered that the State of this matter & the whole proceedings had thereon be laid before the right Honble the Lords Comsrs of Trade & Foreign Plantations the right Honble the Secry of State & the honble the Commsrs of the Admiralty & that Majr William Dent Attorney Genl prepare a Letter for the members of this Board to sign

Lib. X. His Excellency the Governor of Virginia being now here
p. 326 in Town it is resolved he be made acquainted with these Proceedings of the said Captain Bostock & advised with thereupon

Her Majestys Order by the Lord Nottingham to Assist the Agents of the Commsrs of the Victualling & the Captains of men of war here dated Whitehall 20th of October 1702 now come to hand read at the Board

At the request of his Excellency Colo Francis Nicholson her Majestys Governor of Virginia ordered that the several Collectors make up their Accounts of the 1d ꝑ ℔ on Tobacco & swear to the same before his honour the President

Edward Pollard of Talbot County his petition praying her Majestys Royal Pardon he having been found Guilty of man slaughter unfortunately Shooting & killing a man when really intended to Shoot at a wild Turkey the said Edward Pollard being a very poor man & his whole Estate not of the value of tenn pounds & the Unfortunate accident being as in the Petition set forth he is thought a very fitting Object of her Majestys Grace & mercy & therefore Ordered such pardon be prepared by the Attorney General to pass the Great Seal of this Province

The Petition of Mr Richard Bennet read praying the Assignment of Mr Thomas Staleys late Sheriff of Baltimore County his Bond from which he has a publick Claim

Ordered that the Assembly be prorogued until the fifth of June next

Ordered that the following Sheriffs Commission be renewed Vizt to Mr James Hays for St Marys County Mr
p. 327 George Parkers for Calvert County Captain Thomas Smoots for Charles County Mr John Greshams for Ann Arundel County Major Josias Wilson for Prince Georges County Captain John Hynson for Cecil County Mr John Hawkins for Kent County Mr Vincent Hemsley for Talbot County & Major John Cornish for Somersett County Mr Acquila Paca being appointed Sheriff of Baltimore County & Mr Roger Woolford Sheriff of Dorchester County

Came Panquas an Eastern Shore Indian at Nanticoke & Commander there & Complained that his Cabbin had been broken open by a certain Negro belonging either to Major Thomas Taylor of Dorchester County or Mr Peter Taylor his Son from whence the said Negro had Stolen divers goods of a considerable value which the said Panquass mentioned part whereof were found upon him & were restored the other having been made away by the said Negro for which he demands sixty nine Drest deer Skins but his Complaint

being Considered and he being Offered Sixty Doe Skins says if they be good ones he will be Satisfied Lib. X.

Ordered therefore that Mr Peter Taylor or Mr Tho Taylor pay the said Sixty drest Doe Skins to the said Panquass before Col° Thomas Ennals who it is to be judge of the worth of the said Goods & is hereby Ordered to punish the Negro by whipping otherwise in case of Refusal he is to Commit the Negroe to Goal to be prosecuted in the Provs Court for that Offence

At a Council held at the Town & Port of Annapolis May 6th 1703

Present p. 328

The honble Tho Tench Esqr President

the honble { Robert Smith Esqr, Col° Jn° Hammond, Col° Edwd Lloyd } Lt Col° Wm Holland & James Sanders Esqr

The Reverend Mr Nobbs offering to the Board that Henry Groves under sentence of Condemnation for Felony who had formerly had the Favour of a Reprieve from his Excellency Coll° Blakiston had now remained with him four years with very good Behaviour being dead in Law might be Restored by her Majestys Gracious Pardon upon the said Mr Nobb's Character of the said Henry Groves he is thought a fit Object of her Majestys Royal mercy Ordered that a Pardon be prepared in order to restore the said Groves as prayed

By the principall Comrs for Prizes Lib. H. D. p. 283

By Virtue of the power & Authority to us granted her Maty Comcōn undr the Great Seale of England bearing Date the 16th Day of November last Wee do constitute & appoint you Mr James and Mr Hercules Cutts & You are hereby constituted & appointed her Matys Agents for Prizes at Pensilvania and Maryland with full power Warrt and Authority to you & either of you to do and performe All & all manner of things to the said Office of Agent belonging or appertayning according to Such directions as you shall from tyme to tyme receive from Us or any three of Us. Given undr Our hands & the Seales of Our Office this 7th Day of June 1703. In the Second year of her Matys Raign

Edw Brercton
Geo Morley
Anb Duncombe
Rich Breton

Mr James & Mr Hercules Cutts
Agents at Pensilvania &c

Lib. H. D.

By the Principall Comnrs for Prizes.

To take all Shipps & goods by Indrs

Instructions for the Agent for Prizes at Pensilvania & Maryld.

You are to take Care to receive into your Custody All Shipps & Goods brought in as prize into your ports or any the Creeks or Rivers within the Districts thereof by Indenture under the hands & Seals of the Captain Officer Comander or Seamen bringing in the Same of which Said Shipp her Tackle Apparrell Furniture and Stores of Amunition & provision & all & Singular the Goods Wares & Merchandizes Seized in her you are to make a fair Genll Accot or Inventory as you may without breaking of Bulk or unlading the same:

And send a Duplicate

A Duplicate whereof under your hand & Seale you are to return to us by the first Oportunity after yo' Receipt thereof, together with the name of the Ship the place whereto she propperly belongs the Captains & Masters Names & her Burthen Quality Age & Built as farr as you can learne, as also the Captors name, & the tyme and place of Capture

2d To take all Writings in thm

You are to take Especiall Care to make due Search & inquire for & Demand take and receive into your Custody all Bills of Lading Docketts Evidences Charter partys Lres Sea Briefs passes Examinations proofs & other Writings and papers whatsoever that shall be delivered up from on board of or belong unto said Ship as shall be brought in as afd which said papers Writings &c. All Capts Officers & Seamen bringing in such Ships are required to deliver unto you accordingly in order to the Condemnation of such prize

3dly You are in order hereunto to take Especiall Care that some persons of good Creditt & Condition Resident dent at any port or place where any Shipp shall be brought within your Districts (having Commission and Interrogatorys from the Cors of Admiralty which if they have not you are to Informe us thereof to end the Same be sent) do forthwith Examine as well the master & Officers of the Shipps Company Seized or any two or three of them that shall be found most knowing to each point in the said Comission & Interrogatorys Specified And also if there be occasion the Capts Comanders & Seamen bringing in the said prize to the points they shall be able to answer And Causing full & perfect Affidavits to be made by such as have had or Intermedled with any bill of lading Docquets Evidences Charter-parties Letters Sea-briefs passes examinations proofs & other Writings

Majr or Chief Magistrate to examine the Ships Company

About bills of lading

& papers whatsoever that the Same are all that Came into Lib. H. D.
their hands & have not been blotted Defac'd or altered since they so Came to their hands respectively All which papers Writings Bills of Lading &c you shall particularly Specify figuring each of them 1. 2. 3 &c. to avoid Confusion & transmitt them unto us, or to a proper Court for prizes if any such be Established in pensilvania or Maryland or Attested Copys thereof Chose Seale'd up together with the Depositions or answer to the afd Interrogations with all possible Speed or take Care they be so transmitted together with an Acco^t of the Lading whether perishable or not.

wch are to be figur'd 1. 2. 3. &c. & sent up

4^thly You are to prevent & hinder as much as in you lies all Inbezlements & Wasts that may by ffraud or Neglect be Comitted or Happen to any Shipp or Goods so put into yor Custody by making Light & Sound any Casq or stopping any Leakage that you Can come at & placing Sufficient Honest Waiters on board you shall Seale up and secure the Hatches port Holes & other places by which such Goods might be Imbezled And have a Diligent Eye yourself for the security thereof, And you shall require the Assistance of any Officer or Subject of her Ma^ty Resident as your port or within p. 185
the Districts thereof whereit shall be necessary either for the Discovery of such practices or securing any the Goods belonging to your Charge or the persons offending in the premisses And you Authoriz'd to Seize such Goods & proceed in the punishm^t of such Offenders according to Law & give us notice of your Actings herein.

5^thly Having so examin'd Inventoryed and secured the premisses aforesaid & Given an Acco^t thereof to us or to a proper Court of prizes as afd you are (if any opurtunity of Convoy offers it Self And it may best serve the Interest of her Ma^ty and the Captors) to hire and Contract with Seamen & Mariners to Navigate the said Ship from any of yor ports or Creeks to England & send us the Rates by you agreed upon & an Acco^t of payable to the respective persons employ'd by you in such Service & you are to deliver such Ship by Indenture for her Ma^tys use as you recd her Sealing up a Duplicate of the said Indenture and Inventory thereof & send the Same to us with a Certificate in what Condition the Ship and Goods were at the time of the Delivery A Duplicate whereof you are likewise to returne unto us with a full Acco^t of your proceedings And in Case you shall at any time find Sufficient Cause, not to send any such prize Ship to England you are forthwith to Certify the same unto us with the reasons thereof when you have carefully & exactly Inventoryed & taken a Iust Acco^t of such Ships their Tackle ffur-

Lib. H. D. niture Apparell as also the Lading & particular Sort of Goods & they are legally Condemn'd you are to expose the Same to a publiq Sale at such times & in such manner as they shall be likely to procure the most Advantagious price And the produce you are to Ship & Send home to us on Good Ships in such Comoditys as may probably Come to a good markett in England or in pieces of Eight or Bills of Exchange as you shall judge will turn best to Acco^t & Advantage & for whatever you Ship take prize bills of Lading & Consign them to us for her Ma^tys use & on her Risq & send us three of them by Distinct Conveyances & lett us have full & frequent Advices of your proceedings in this Matter But in Cases of
p. 186 Absolute necessity & where the prize Shipps or their Lading shall appear upon oath of two or more or honest & understanding persons to be perishable You may after due appraisment thereof made upon the oath of five honest persons well skill'd in such like Matters dispose thereof according to the tenour and power of a Commission from the high Co^rs of Admiralty to that purpose wherein you are to Act in Concurrance with the Captor.

6^thly You shall frequently send unto us a particular Acco^t of your Charge and Disbursments in this Service which you shall make up Distinctly to Comprehend the Severall sums laid out upon every particular Ship or Goods from the time of their Capture to the time of their being Discharg'd or otherwise dispos'd of That so her Ma^ty may not Suffer any loss through the want of Information of the Charges which shall happen upon every particular Ship & Cargo which (if they be restored Deposited or Condemn'd) must be apply'd properly to each particular Ship And you are to take a particular Care to observe in the Acco^ts you send Concerning the prizes brought in yor ports the Method herewith sent you as far as relates to you.

7^thly And lastly you are to observe such further Direccons from time to time as you shall recieve from our board Concerning prizes.

Prize Office
9th Iune 1703.

Edw : Brereton
Geo: Morley
Rich Breton

By John Dod Esq Comissioner for Recovering & receiving the Rights & perquisites of Admiralty.

Whereas his Royall Highness prince George of Denmark Lord High Admirall of England Ireland &c And of all her Ma^tys plantations &c And Generalissimo of all her Ma^tys fforces & hath been pleas'd to grant me a Comission bearing date the twenty seaventh day of Iune last past to be his Royal Highness's Comission^r to ask Demand recover and

Recieve the rights and perquisites belong to the Lord high Admirall of England &c. Lib. H. D.

And Whereas as I have received Great Comendations of you as fitt psons to be entrusted on behalf of his Royall Highness And upon Information that there have been since the Warr Declared severall Ships Vessells & Goods taken and seized as prize And as the Goods of Enemys of our Sovereign Lady Queen Anne & brought into the Harbours ports & Roades & Creeks of the provinces of Maryland Virginia & pensilvania as well by privateers as by other English Shipps unCommission'd These are therefore to Desire your Care and Authorize & impower you Ioyntly and Severally to take under your Care & Custody all Ships & Goods as are or shall be Seized as prize & brought into the Harbours ports Roads or Creeks of the said provinces of Maryland Virginia & pensilvania by any Ship or Vessell uncomissionated And also to Seize & take under yor Care & Custody the Goods & Effects of pirates As also all Derelicts Waifs fflotsam Ietsom Lagon recovered & brought into the said provinces or either of them And the same to secure & keep by such Means as you shall think most Convenient for his Royall Highness Service till the same be legally Iudg'd as prize to his Royall Highness or clear'd by due Course of Law. And you are likewise to procure the said Adjudications to be put in Execution & the proceeds thereof after a publiq Sale you are hereby directed to return & pay into my hands for the use of his Royall Highness or Clear'd by due Course of Law. And for as much as a tenth or tenth part of all Ships Vessells & Goods Seized as prize by English private men of Warr or by English Shipps having Letters of Mart do of right appertain unto his Royall Highness as Lord High Admirall of England &c These are therefore also to Authorize & Impower you Iointly & Severally to ask Demand Recover & Receive to the use of his Royall Highness the tenth of all such Shipps Vessells and Goods after Adjudication by legall Authority as aforesaid according to an appraisement to be made by the same authority upon the oaths of four or five Skillfull persons pursuant to the usuall Course & Style of Admiralty In all which you are to use your uttmost Care And upon receipt of the aforesaid perquisites Tenths Rights & dues belonging to the Lord high Admirall of England You are to remitt the same to me in the most Convenient manner & with all Speed that may be And for your trouble & Care in the premisses you are to Receive such Allowances as shall from time to time be thought reasonable Given at Duke Street Westminister in the County of Midx under my hand & Seale the seventh day of Aprill in the year p. 187

Lib. H. D. of our Lord one thousand Seven hundred & three And in the second year of her Ma^{tys} Reign.

To Mr Iames & Hercules Coutts Iohn Dod.
M^{r}ch^{ts} in New Castle in pensylvania.

p. 188 You are Diligently to the trust & Confidence I have repos'd in you to apply yourself on all occasions to the promoting & Advancing all Iust Rights droits & perquisites of Admiralty in the provinces of pensilvania Maryland & Virginia to the use of his Royall Highness prince George of Denmark Lord High Admirall of England, Ireland &c And of all her Ma^{tys} plantations &c And Generalissmo of all her Ma^{tys} fforces.

You are during the present Warr Diligently to Enquire & inform your Self of all Shipps & Goods as shall come into any port, Creek or Road of the said provinces or either of them by stress of Weather or other Accident or Mistake of port or by Ignorance not knowing of the Warr as shall belong to her Matys Enemys & also of all Enemys Ships & Goods Casually met at Sea & Seized by any Vessell not Comissionated And of the Ships Vessells & Goods as shall be forsaken or derelicted by the Enemy And also of all Racks of the seas fflotsam Jetsom Lagon Shipps and Goods of pirates Deodands & all other Droits Rights Dutys and perquisites of Admiralty belonging to the Lord High Admirall

You are to give Notice of all such Shipps Vessells Goods or other Droits & perquisites aforemencond To the end that the Same may by you & such person as you from time to time & Appoint be seized & proceeded ag^{t} according to due Course of Law to such persons as are legally Authorized in that behalf And also to transmitt an acco^{t} thereof to me.

You are also after the same are legally Condemn'd to gett the said Ships Vessells Goods & other Droits & perquisites aforemencon'd appraised upon the oaths of four persons at the least & after Appraisement made as afd You are to sell publickly by Inch of Candle Due notice being first Given by the Space of fourteen days at the least in the most publiq places of the said provinces or either of th^{m} of the time & place of sale to the best & fairest Chapman And the proceed thereof after a Reasonable Defalcacōn of what Charges you shall be att & a reasonable Allowance for your pains & trouble in the prosecutions Appraisements & Sales of the aforemencōnd You are to transmitt to me in the most Convenient Manner & with all speed imaginable together with a particular & the Appraisement of all such Ships & Goods Condemn'd & also of the burthen of the sd Ships & the Quantitys & Qualitys of the said Goods.

Note you are not impowered to meddle with any Ships or Goods taken or Seized by her Ma^tys^ Men of Warr as goods of her Ma^tys^ Enemys Nevertheless the Ships the Goods the pirates & Derelicts Seiz'd by her Ma^tys^ Men of Warr do of right belong to the High Admirall & you are to take Especiall Care therein. Lib. H. D.

You are to take Especiall Care of all Ships & Goods belonging to the Enemys of her Ma^ty^ Seized by English private Men of Warr or Ships Comissionated by Letters of Mart or reprizall & upon Adjudication of Ships so Seized you are to Nominate two appraisors Ioyntly with such Commissionated To the end that his Royall Highness's Rights be entirely preserv'd & before you suffer possession of the said Ships & Goods to be Delivered to the said privateer You are to recieve the tenths thereof for me to the use of his Royall Highness according to the Appraism^ts^ but you are not in any wise to exact the same in Specie from the said privateers & upon payment thereof to you the said privateers are to recieve the said prize quietly into their possession and the tenths together with the particulars & appraisments you are to transmitt to me in the same Manner as you are hereby directed to transmitt to me your other Reciepts. p. 189

☞ Where note the said Tenths of prizes are to be made to you Clear of all reasonable Charges whatsoever And that according to the Course & Style of Admity & from time in Memoriall vizt the sd privateers must Satisfy & pay you & the Officers & Appraisors named by you all your Reasonable Charges.

☞ The same is to be observed where Cause is to be seen to restore to the Claimors the Goods & Vessells Seiz'd under any of the pretences whatsoever where Iust Cause of Seizure shall lawfully appear.

You are to take Care that all Degrees & orders directed to you from any legall Court in relation of the foremencon̄d Droits & perquisites of Admity be put to due Execution You are to acquaint me with any abuses Neglects Deceipts Corruptions or Decroachm^ts^ whatsoever as you shall find or understand to be Comitted by any person whatsoever in the taking Collecting Siezing imbezileing or Disposing in any of the abovemencōned Droits & perquisites of Admity & to take Such Course for recovering the same on my behalf as may best Conduce to the bettering & Advancing the due rights of the Lord High Admirall.

John Dod.

Read the Petition of Mr Thomas Kimball of Baltimore County praying the remittance of a Recognizance he as manu- Lib. X.

Lib. X. pernor for another person was supposed to enter into to his late Majesty in 2000 ℔ tobacco & it appearing to the Board by the Declaration of several of the Justices on the Bench then in Baltimore County Court that the said Kemball did not Solemnly enter into the said Recognizance but only said he would be one in Case another Person were joyned with him but never Consented, the other refusing however by the negligency in not solemnly taking the said Recognizance by M[r] Henry Wriothesly the Clark of that Court as he himself Acknowledged to the Board the same became matter of
p. 329 Record against which no Averm[t] Ordered that the said Recognizance be not estreated but remitted to the said John Kimball

Read the petition of M[r] Thomas Collier late riding Surv[r] at Will[m] Stad[t] appointed by his late Excellency Col[o] Nicholson Setting forth that the said Governor Nicholson had Ordered George Plater Esq[r] her Majestys Receiver of Puttuxent district to pay him thirty pounds for his Sallary in Officiating that Employment M[r] Plater being Demanded why he had not complied with that Order says he has not had of her Majestys in his hands to satisfy his own Sallary for which the Revenue is in Arrears

At a Council held at Annapolis the 15th day of June 1703

Present

The honble Tho Tench Esq[r] President

the honble { Col[o] John Hammond
Lieu[t] Col[o] W[m] Holland
M[r] James Sanders }

Produced & read the Lord Cornburys Letter of the 25th of May 1703 as followeth

New York May 25th 1703

Gentlemen

Both your Letters are come safe to my hands by which you are pleased to inform me that the Assembly of Maryland have voted £300 of their Quota ordered by his Late Majestys Letter for the Assistance of this Government & you likewise say that sum shall be ready when I send for it I therefore take the Opportunity of his Excellency Col[o] Nicholsons return to his Government of Virginia who has Given me Leave to trouble him with this Letter to intreat the favour of you that

the said Sum of three hundred pounds may be transmitted to me by Bills upon some person in London which I conceive will be the easiest way both for you & us I shall not fail to acquaint the Queen with your readiness in this matter Lib. X. P. 330

I am

Gentlemen your very humble Servant

Council of Maryland Cornbury

This Letter and Answer thereto referred to the Consideration of a full Council proposed God willing to meet here the 22d Instant

Ordered that notice be given Lieut Col° Thomas Smithson publick Treasurer of the Eastern Shore to transmit hither what money in his hands in Order to make up the part of Quota voted by the Assembly by Bills if Possible

At a Council held at the Town & Port of Annapolis June 23d 1703

Present

The honble Tho Tench Esqr President

the honble { Tho Brooke Esqr, Col° John Hammond, Col° Edwd Lloyd, James Sanders Esqr }

Produced & read her Majestys Gracious Order in Council for the Confirmation of Our act of Assembly for the establishment of Religious worship in this Provs &ca which said Order is resolved by this Board to be published in all the Churches of this Province

Read their Lordships the right Honble the Lords of trade & plantations Letter of the 26th of Jany 1702/3 with her Majestys Additional Instruction to the President & Council relating to the Ships not Sayling without Convoys in this time of War P. 331

His Honour the President acquaints the Board that pursuant thereto he had ordered the Officers of the Customs in this Province not to clear any Ships until further Order.

The Lord Cornburys Letter read the last Council again and read Considered and Ordered that the fol° Letter be sent to his Lordship vizt

Maryland June 23d 1703

May it please your Lordship

We had the honour of your Lordships Letter of the 25th of May last from the hands of his Excellency Colonel Nicholson

Lib. X. upon receipt whereof the Council were summoned & upon due regard had to & consideration of your Lordships desire that we should transmit the three hundred pounds voted by our Assembly for the Assembly for the Assistance of New York to your Lordship by Bills of Exc° though for our selves we were willing & shall upon all Occasions be ready to Convince your Lordship of the Due respect we have as well to her Maj^stys^ Service as of your Lordships person & noble Character yet Beg Leave to acquaint your Lordship that this Province hav^g^ formerly been at great Charge on the like occasion of remitting moneys to your Government our Assembly have resolved that the money voted should be paid by the Treasurers to Such person as should be sent from your Government who might give a Receipt therefore which by our former Letter we intimated to your Lordship and assure you that when your Lordship shall be pleased to send for the same it will be readily paid to your Lordships Order for the Assistance of the Majestys Province under your Lordships Government Ac-
p. 332 cording to his late Majestys Directions and that We are

Your Lordships
most Obedient humble Serv^ts^
Tho Tench President
Thomas Brook
John Hammond
Edward Lloyd
Ia Sanders

To his Excellency the
Lord Cornbury her Maj^stys^
Governor of the Province
of New York

The following Representation of the Clergy of this Province read and referred to the next Assembly

To his honour the President and
Council Sitting

May it please your Honours

We the Clergy who have hereunto Subscribed do humbly lay before your Honours the following particulars to be recommended as your Honours shall think fit to the Consideration of the next Sessions of Assembly

1st That Catalogues of Parochial Librarys be taken & sent to the Council

2^d^ Whether the Sheriff can by the Letter of the Act of Assembly demand Sallary for collecting and paying the 40' tob ꝑ Poll & from whom

3^d^ How necessaries for the Communion ought to be Provided & whether according to the Act of Queen Eliz^a^ the Church wardens of our respective Parishes are not to take care for the same & how to be raised

4th That Church Officers be obliged to subscribe their As- Lib. X.
sent & Consent of the Common Prayer & 39 Articles

5thly That no unbaptized persons may be admitted into any Office of trust in the Govt

6th That the Dissenters especially the Quakers do not p. 333
conform to the act of Tolleration as confirmed by the Act of Religion in divers particulars first in not subscribing such declaration & Possession as provided is by that Law they should Secondly in not Registring their meeting Houses in the Several County Courts

7 That your Honours would be pleased further to recommend to the honble house of Delegates the passing of an additional Act concerning religion wherein some penalty may be inflicted on such as professing themselves protestants never attend the publick worship of God

8 That the Quakers & Papists be restrained from seducing her Majestys Protestant Subjects

Annapolis May 27th 1703 Rects

Robert Owen	John White
John Sharp	Ben Nobbs
John Edwards	Tho Cockshutt
Gabriel D'Emilliane	Hen Hall
Joseph Colbatch	Wm Tibbs
	Tho Howell

The honble president aquaints the Board of his being Informed of several considerable Quantitys of Rum clandestinely brought from Pensylvania over the head of the Bay into this Province the same not being entred with the Officer therefore appointed or any Duty paid therefore for prevention whereof he proposes that the Clark of this Board write to Mr Mathias Vanderhayden the Naval Officer at the head of the Bay to depute some person in Elk & Bohemiah River to prevent the same and that the said Naval Officer keep a good Correspondency with the Riding Surveyor

Read the petition of George Muschamp and Geo Plater p. 334
Esqrs praying the Application of this Board on their Behalfs to the right Honble the Lords of trade & Foreign Plantations that their respective Sallaries of One hundred Pounds Sterl ꝑ Annum may be paid them out of the 3d ꝑ hhd allotted for the purchasing arms for this Province now in their hands

The Board do not think fit to make any such Application the said Duty of 3d ꝑ hhd being given to the Country for so good an use neither does any method at present Occur to them whereby they may tho willing to assist the Petitioners

Upon the Representation of Sr Thomas Lawrence Bart her Majestys Secretary of this Province that some Order might

Lib. X. pass to oblige Col° Henry Darnal the Lord Proprietarys Agent to bring into his Office the Remaining Pattents in his Custody

Ordered that the said Col° Henry Darnal his said Lordship the Lord Baltimores Agent in this Province do bring unto the Secretarys Office what Patents are made out & remaining in his custody to be recorded in the Secrys Office pursuant to his late Majestys Order in Council in favour of the said honble Secretary

At a Council held at the Town & Port of Annapolis Wednesday August 18th 1703

Present

The honble Tho Tench Esqr President

the honble { Thomas Brook Esqr, Lt Col° W Holland, Col° John Hammd } Col° Edward Lloyd & James Sanders Esqr

p. 335 Produced and read the right Honble their Lordships the Lords of trade and foreign Plantations Letter of the 20th of April last

1 Recommending the due holding the several Courts of this Province & impartially administring of Justice therein without Delay

2 Secondly that an especial Court for determining small Causes be recommended to be established by act of Assembly

3 And thirdly requiring an abstract of the proceedings of the Several Courts of this Province to be transmitted to their Lordships

To the first part of which Letter this Board do say that they have not heard any Complaints of the Delay of Justice Or Partial Proceedings in any of the Courts of this Province But on the Contrary are assured that all Causes in the Provincial Court especially & Generally in the County Courts are duly Dispatched to the satisfaction of the inhabitants & Others Traders in this Province however this Board think fit to Recommend to the justices of the Provincial & County Court that they take especial care impartially to administer Justice in their several Courts & that no causes be continued Longer than the due Course of Practice admits unless where very good & Sufficient reasons are given therefore

As to the Second part of their Lordships Letter this Board humbly conceive that our act of Assembly for recovery of small Debts an Exemplification whereof is before their Lordships answers their Lordships recommendation

And as to the third Part Ordered that her Majestys Secry take Care to transmit to their Lordships such Abstract of the

Proceedings of the several Courts of Chancery provincial & County Courts within this Province & that the Commissary General & Clerk of the Council do the like in respect of their Offices and that particular Orders be served on the said Officers Lib. X. p. 237

Then read the right Honble the Earl of Nottingham her Majestys Principal Secretary of States Letter of the 20th of March last directing this Government to prohibit Trade & Correspondence with the French Settlements in America To which this Board do say that they have no Reason to believe any such trade or correspondence practicable by any Inhabitants or Traders in this Province against which Proclamation has already been issued & all possible care will be used to prevent it

Read his said Lordships her Majestys Secry of States Letter prohibiting any arms to be sold or supplied to the French or Spaniards now in war with her Majesty

To which this Board do say they are sensible that they can have no such supply from this Province

Read a Letter from the honble the Commissioners of her Majestys Customs desiring due care to be taken that no Bulkt Tobacco be shipped out of this Province unless in Chest & Cask pursuant to the Act of Parliament made therefore

Ordered that the several Officers of her Majestys Customs be admonished to use their utmost circumspection that no such Tobacco's be shipped in this Province

Then was produced and read his Excellency Nath Blakiston Esqr her Majestys Governors Letter to the Presidt & Council hereof Dated the 10th of February 1702

And as to that part thereof relating to Mr Joseph Holt Rector of Wm & Mary Parish in St Marys County his ill Behaviour to the Great Scandal of his Function Ordered that the said Mr Holt be suspended ab Officio et a Beneficio until his Excellency Colo John Seymours arrival & that he make Application to his said Excellency to be restored if he shall think fit p. 337

This Board taking especial notice of the great Character Governor Blakiston gives of the honble Colo John Seymour whom her Majesty has been pleased to appoint to be Governor of this Province very much rejoyce in the Great Expectation this Province may have under the Government of so worthy & noble a Gentleman

That part of Colo Blakistons Letter desiring the General Assembly should meet between the Twenty fifth & twenty Eight of October next being taken into consideration Resolved that time will be very convenient for assessing and De-

Lib. X. fraying the publick Charge of the Province and that due Notice be given to the several members of the Council & house of Delegates to convene themselves at the Town & Port of Annapolis in Ann Arundell County upon the 26th day of Octr next ensuing

As to what his Excellency Coll^o Blakiston is pleased to mention about the Act of Assembly for the Establishment of religion worship in this Province &c^a This Board have received her Majestys most Gracious Assent to that Law

This Board have a grateful Sence of his said Exc^ys Carefull and Diligent endeavours to serve this Province in the Affair of our Land Law

Lastly as to what his said Excellency has been pleased to communicate to the Board relating to the honble Thomas
p. 338 Tench Esqr President now present at the Board concerning the Revenue allotted to her Majestys Governor here the said Honble President does acknowledge that he was misinformed by Mr Randolph & others but that he is well Satisfied with the moiety as it was settled by his Ex^y when here and will write to his Exc^y Col^o Blakiston

His Honour the President says he will give notice to the several Collectors & Naval Officers of the time when prefixed for the Sayling of the present Convoys

In the mean time it is ordered that the several Collectors & naval Officers Clear all such Ships as can be got ready to Join the present Convoy at Kiquotan in Virginia but none after the Departure of that Convoy without further Orders

Upon application of Sr Thomas Lawrence Bar^t that whereas Mr Jacob Lockerman Juniors sheriffs Bond for Dorchester County anno 1701 had been ordered to William Bladen &c^a who had prosecuted it to Judgment he also having a claim against the said Sheriff pray'd Leave that he might apply to the provincial Court upon that Bond & Judgment which is Granted

The honble president is pleased to ask the Board if any of them have any thing further to Offer for her Maj^stys Service who say not

At a Council held at West River in Ann Arundel County the 28th day of August in the Second Year of her Majestys Reign &c^a Annoq Dni 1703

Present

p. 339 The honble Tho Tench Esqr President

the Honble { Colonel John Hammond
Lieu^t Col^o Wm Holland
James Sanders Esqr }

The Honble President produces to the Board a Letter from Lib. X.
George Plater Esqr her Majestys Receiver & naval Officer at Puttuxent acquainting his honour that Captain Josiah Moore in her Majestys Ship Oxford who was one of the Convoys to the Virginia Fleet had brought into Puttuxent River a Sugar Prize and that he the said Mr Plater on Behalf of the said Captain Moore desired in case Colonel John Hammond the Judge and Wm Bladen Register of her Majestys Court of Vice Admiralty could not conveniently Come down to Puttuxent in order to condemn the said Prize that a special Commission might be Granted appointing some other persons at Puttuxent thereunto in regard the said Captain Moore was much indisposed & his Stay very short in this Province In answer whereto his said Honour the President had wrote to Mr Plater & Captain Moore as followeth vizt

Mr Plater Annapolis August the 24th 1703
S^r^

I had yours by your Servant & have considered what you write in relation to Captain Moore commander of her Majestys Ship Oxford & the Prize by him brought within this Government I have seen the honble Col^o^ John Hammond chief Judge of her Majestys Court of Vice Admiralty in this Province who being apprized that Capt Moore has brought his Prize into this District of Puttuxent thinks it Reasonable that he by himself or procurator ought to Exhibite his Libell to the Court here in order to her Condemnation which will be expedited as soon as desired if he think fit the said Judge not p. 340
thinking himself Obliged to go down to Puttuxent no application being made to him or sufficient Reason offered by the Commander therefore Besides I find that the Commander upon his Arrival with his Prize by the Act of the 4th & 5th of King William & Queen Mary of which Statute I know no Repeal is directed to put the Prize into the hands of the Governor in plain English words which you must needs know to be the present Government President & Council till the same be condemned or discharged therefore you would do well to advise him to conform himself to that Law or any other later of her present Maj^sty^ if you know any such I am
Sir Your humble Servant
Tho Tench

To George Plater Esqr
Sir

Mr Plater having advised of your arrival with a French Prize taken at Sea I find by the act of the 4th & 5th of King

Lib. X. William & Queen Mary you are directed to put the same into the Possession of the Governor of this her Majestys Province whose Authority is by Powers under the Great Seal of England lodged in myself the President & Council if there be any later Statute or Ordinance for regulating that matter otherwise and you are apprised thereof I should be glad you would communicate the same in order to the legal Condemnation of your Prize and Security of her Majestys Interest therein this Prævious Requisite of Delivering the Prize into the Possession
p. 341 of the Governor I have taken care to make Easy to you by Ordering your Friend Mr Plater her Majestys Receiver to take the same into his Custody & Possession on Behalf of her Majesty unless you think fit to bring her up hither where to your Speedy dispatch in her Condemnation my best Endeavours shall be contributed as well as in any other thing wherein I may be able to approve my Self

Sr

Sir

when you come up you must take Care to bring the French Commander & some of the Saylors and all the Papers found on Board for inspection of the Government especially the Bills of Loading

Your most humble Servant Tho Tench

To Captain Josiah Moore Commander of her Majestys Ships Oxford in Puttuxent

After which was read the said Captain Moor's Letter to the honble President & unto the Judge of the Court of Vice Admiralty desiring that a court might be appointed for the Condemnation of the said prize at Puttuxent &ca which was Answered as follows

Captn Josiah Moore West River August the 28th 1703

Sir

Yours of the 25th Instant to the honble President being Laid before this Board we have thought fit for her Majtys Interest and your better satisfaction to acquaint you that this is her Majestys Government wherein we act by powers from her most sacred Majesty under the Great Seal of Engld by all the Laws of which Kingdom when made acquainted with them we are regulated in all matters wherein our particular acts of Assembly are silent & not providing Otherwise in regard to the Constitution of this Province And for the due Administra-
p. 342 tion of Justice here in enforcing Obedience to those Laws we are strictly answerable to her most sacred Majesty & none other wherefore we Cannot forbear acquainting you that as

to the Condemnation of your Prize we know no other Law Lib. X.
in Force than that of the 4th & 5th of King William & Queen Mary by which that affair if transacted in this province must be directed unless you can produce any Later Statute of her present Majesty or otherwise providing therein which if you have any such the President avouches he requested you so to do yet if there be as some have offered any Royal Proclamation or Declaration whereby her Majesty has Directed any further Allowance or reward to your self & Ships Company you may be assured the same will be honourably complied with by this her Majestys Governmt where you will find all the fair Treatment you can desire but as to your Demand that the President should give you very good Security for yours & the Ships Company's parts it is in all Respects extravagant & Derogatory to the honour of this her Majestys Government & very unreasonable in regard the Law Directs two persons appointed by you & the Ships Company shall be equally intrusted with the Commsrs of the Prizes or as the natural Equity of the Statute will Extend to such as shall be appointed by the Governor of the West Indies Island or plantations who are here in Lieu of the Commsrs of the prizes therefore Sir if you think fit to conform your self to that Law in delivering your Prize as directed the Condemnation may be very speedily Effected Either at the Town and Port of Annapolis if you can Conveniently come there or otherwise p. 343
in reguard to your Indisposition of health and the Shortness of your stay here Considered the judge of the Court of Admiralty who is always ready in his duty will meet you and all concerned at the Court House in Battle Town in Calvert County upon your intimation & a reasonable time prefixed

We are apt to Believe you have been misadvised in this Affair which has been the occasion of this delay of time in which your Business might have been dispatcht

Sir

Your Character from all the Trade here stands so fair with us that none can have any Grounds to suspect any embezzlements by you particularly or any honest Gentleman in so honble a post & assure you we never heard of any such Surmise therefore you may well expect all the just and Honble Treatment this Government can express to so worthy a person as we are obliged to believe you are

Sir

Your humble Servants
Tho Tench President
John Hammond
Wm Holland
James Sanders

Lib. X. At a Council held at the Town and Port of Annapolis Tuesday October 4th in the Second Year of her Majestys Reign &c^a^ Annoq Dni 1703

Present

p. 344 The honble Tho Tench Esqr President

the honble { Robert Smith Esqr / Col^o^ John Hammond / Col^o^ Edward Lloyd } Lt Col Wm Holland & James Sanders Esqr

Rec'd Mr Joseph Holt late Rector of W^m^ & Mary Parish in St Marys County his Letter to the honble President praying that the Suspension lately served upon him might be taken off & he be restored to his Ministerial Function in the Parish for the reasons therein Contained also read the address of the Vestry of that Parish on his Behalf to have him restored as likewise a Petition entituled the Petition of the Religious Society of William and Mary Parish & Signed by Adam Bell & Samuel Gresty who call themselves Stewards of that Society and say all unanimously Consented

This matter having been already referred to the consideration of his Exc^y^ Col^o^ Seymour upon his Arrival who is daily expected this Board do not think fit to alter what has been already done therein

The petition of the Justices of the Provincial Court On Behalf of the justices of St Marys County against whom information is exhibited for Levying more Tob^o^ on the inhabitants there than by Law they were empowered the said petition referred to the said Iustices of the Provincial Court to use their Discretion therein

Joseph Bakers petition read praying the remittance of a fine for not attending as a Juror of the Provincial Court It appearing the said Baker was never summoned by the Sheriff of Calvert County but unduly reterned his Fine is Remitted

p. 345 George Plater Esqr & Geo Muschamp Esqr their Petition read praying that whereas they are not paid their respective Sallarys of One hundred Pounds ꝑ Ann for being her Maj^ys^ Receivers of the Fines & Forfeitures &c^a^ within this Province for several years last past now forasmuch as that upon the sugar prize lately brought into this Province by Capt Josiah Moore in her Majestys Ship Oxford there will be sufficient of her Majestys Share thereof in the said George Platers Hands to pay & satisfy their said Sallarys that this Board would so order the same

In answer to which petition the Board do not believe it to be in their power to dispose of any part thereof but Order and direct the same to be secured for her Majestys use and

advise the petitioners to make application to her Maj^y^ for her Royal favour therein on their Behalf Lib. X.

Ordered that Geo Plater Esqr her Majestys Receiver General in whose hands her Majestys share of the prize is pay unto the Judge Advocate Register & Marshall of the Court of vice Admiralty their fees for the Queens Moiety due upon Condemnation of said Prize

Ordered that a Commission be prepared for Major William Harris to be Colonel of Cæcil County Col^o^ John Thompson & Lt Col^o^ Hans Hanson being both dead & that the said Col^o^ Harris take care to call for & secure the publick arms in that County

Also Ordered that four Quarter Barrils of Powder be sent to the said Col^o^ Harris for the Service of that County

The President asks the Board if they have any thing further to offer for her Majestys Service who say not

W Bladen Cl Conc

PROCEEDINGS

OF THE

COUNCIL OF MARYLAND

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

JOHN SEYMOUR, ESQ.
Governor.

1704–1708.

A Journall of Councill Proceedings
—not in Assembly tymes.—

Begun the twelfth day of Aprill in the third year of the p. 1
Reigne of our Sov[r]aigne Lady Anne by the Grace of God of England Scotland France and Ireland & the Dominions thereto belonging Defender of the Faith &c Annoq Dni 1704

Att a Councill held at the Court House in The Towne and Port of Annapolis in Ann Arundell County the 12[th] of Aprill 1704. Present

The hon[ble] Thomas Tench Esq[r] Presid[t] of her Ma[tys] Council

Thomas Brooke Esq[r] } Col[o] Edw[d] Lloyd } & James Sanders
Col John Hamond } L[t] Col: W[m] Holland } Esq[r] of her Ma[tys] Council

The Councill being sate His Ex[ncy] John Seymour Esq[r] her Ma[tys] Cap[t] Gen[ll] and Governo[r] in Chiefe of this Province the Lands Islands and Territorys thereto belonging and Vice Admirall of the Same &c Came and produced her Ma[tys] Royall Comission under the Great Seale of England bearing Date at Westminster the twelfth day of Feb[ry] 1702 thereby comissionated him to be Cap[t] Gen[ll] and Governo[r] of this her Province To which Comission was read And the Hon[ble] her Ma[tys] Councill & other Gent[n] & Officers p[r]sent payd all due Obedience thereto.

Gov[rs] Subscribe the Test and take the Oathe appointed by p. 2
Act of Parliament instead of the Oathes of Allegiance and Supremacy The Oath for Encouragem[t] of Trade and that of Governo[r] for administring Equall Right &c And further acquainted the Gent[n] present that there was one other Oath which he had allready taken at Westminster & is p[r]scribed by a certain Act of Parliam[t] of her Ma[tys] Kingdome of England (for enlarging the tyme for taking the Oath of Abjuration for Security of her Ma[tys] Person and Succession of the Crowne in the protestant lyne & extinguishing the hopes of the pretended Prince of Wales and all other p[r]tenders &c) to be taken by all persons in publique Office, and that he is ready & willing to take the Same againe here. But upon Enquiry for the Said Act of Parliam[t] His Ex[ncy] was acquainted that the

Lib. C. B. said Act of Parliam^t nor any publique or private Copy thereof according to the best Information had as yet been transmitted into this Province. A Gentleman p^rsent Saying that he was credibly informed the Said Act of Parliam^t was to be had at Philadelphia in Pensilvania Ordered that an Express be imediately sent therefore.

The Severall Gent^n Members of her Ma^tys Councill now
p. 3 present being again nominated in her Ma^tys Royall Comission tooke the Oaths appointed instead of the Oaths of Allegiance and Supremacye The Oath of privye Councello^rs and Subscribed the Test.

After which his Royall Highness Prince George of Danemarke Lord High Admirall of England his Comission to his Ex^ncy to be Vice Admirall of this her Ma^tys Province of Pensilvania was read and published. And the Councill adjourn'd to the Councill Chamber.

And there with the Advice of her Ma^tys Councill His Ex^ncy issued his proclamation for the Continuing of All Officers Civill and military in their Severall Stations & Offices untill his further Directions should be given therein.

Enter Procl

His Ex^ncy Says he is very desirous to meete the Gen^ll Assembly as speedily as may be and is pleased to enquire what Orders or Methods have been given or taken for the Sayling of the Shipps & their Clearing.

The Councill acquaint his Ex^ncy that the Assembly Stands prorogued to the 15th Instant, And that the Officers of the Customes are forbidden to cleare any Vessells untill further Orders.

His Ex^ncy again Says He is very desirous to meete the Gen^ll Assembly as speedily as may be and asks whether it would be any ways prejudiciall to adjourn the Provinciall Court for a Small tyme, that the Assembly may sitt as soone as possible without interfering.

p. 4 To which the Boarde do Say they do not thinke that it will be prejudiciall to any person provided that due Notice be given thereof and particular Expresses Sent to the Sev^rall Countys on this Occasion. Whereupon It was advised and Resolved and accordingly Proclamation issued to prorogue the Assembly unto the 25th of Aprill Instant requiring them to meete at that tyme And also her Ma^tys Writt to adjourn the Provinciall Court to the third Tuesday of May next Ensuing And ordered that particular Expresses be imediately Sent on these Occasion.

Sr Thomas Laurence Secry of this her Ma^tys Province & Wiłłm Bladen Clk of the Councill tooke the Oaths appointed

by Act of Parliam[t] appointed instead &c & Subscribed the Test. The said W Bladen was also Sworne Clarke of the Councill. After which his Ex[ncy] was pleas'd to aske the Councill if they had any thing further, at p[r]sent, to offer for her Ma[tys] Service. Who say not. Lib. C. B.

Maryland ss. p. 5

Att a Councill held May 22[d] 1704

Present His Excellency the Governour
The Hon[rble] Thomas Tench Esq[r] Robert Smith Esq[r]
Coll John Hamond L[t] Coll William Holland James
Sanders Esq[r] William Coursey Esq[r]

Came John Danzey Esq[r] Collector of Potomeck and made to his Lists of Shipping and Account of the one penny p pound Ending the Tenth day of Aprill 1704.

George Muschamp Esq her Majestys Collecter of Puttuxent came and made Oath to his List of Shipping clearing outwards from the 17th of June 1702 to the 16th of March 1703. Also to his account of the Threepence p hogshead for Arms from the first day of Jan[ry] 1698/9 to the fourth day of August 1703.

And to his Account of the one Shilling p hogshead from the third day of Ian[ry] 1702 to the fourth day of August 1703. Also of the three pence p Tonn for the Same time and likewise the Account Current of both the said Accounts.

S[r] Thomas Laurence Barr[t] her Majestys Secretary of this Province having Aplyed himself to his Excellency acquainting him that he had found his Office was of late much lessened and Impaired as likewise his health and therefore was desirous to have his Excellencys Leave to go for England It was Debated whether it were fitting his Excellency should give him such Leave or not, and thereupon it was ordered p. 6
the said S[r] Thomas Laurences Commission should be laid before the Board Whereupon S[r] Thomas Laurence being sent for Came and Produced his Patent Wherein Liberty is given S[r] Thomas to Exercise his Office by his Sufficient Deputy during his Residence. S[r] Thomas acquaints his Excellency and the Board that his former Patent ran in the Same words and that he had whilest he held this Office thereby with the leave of this Government gone twice for England.

Whereupon his Excellency and the honourable Councill being Satisfied that upon S[r] Thomas's leaving a Sufficient Deputy well Qualifyed to Execute his Office during his Absence her Majestys Service will not be prejudiced, they will not Advise nor gainsay his now going for England, He being Answerable therefore.

Lib. C. B. Att a Councill held at the Towne and Port of Annapolis
p. 7 Thursday the Sixth of June 1704

Present His Excellency the Governour &c

The hon^{rble} Thomas Tench Esqr Coll John Hamond and Lt Coll William Holland.

His Excellency is pleased to acquaint the Councill that he designs about the 13th Instant to take a Short Iourney to the Northward, to conferr with his Excellency the Lord Cornberry her Majestys Governour of New Yorke for her Majestys Service, and in Some measure for the preservation of his health, this hott Sultry weather, and that he will leave his Instructions in case any Emergency should happen.

The wich his said Excellencys Intention was well approved of by the Board,

Iohn Dansey Esqr her Majestys Collector of Potomeck came and Produced The hon^{rble} the Comissioners of her Majestys Customes Deputation to him for the Said Office Dated the Twenty Second Day of August 1702 tooke the Oaths Appointed by Act of Parliam^{t} Instead of the Oaths of Allegiance and Supremacy Oath of Abjuration and oath of Collecter and Signed the Test.

The said John Dansey Esq made Complaint to his Excellency and the Board that a Servant of his a School Master
p. 8 Henry Gerrard who was lately before this Board having behaved himself very refractorily and Imprudently threatened to lay his wife Sprawling, & that thereupon he had corected him for his ill behaviour and broake his head. Since which the said Gerrard had absented himself viz. from the 19th Instant and as he is informed applyed himself to the hon^{rble} Kenelm Cheseldyn Esqr one of her Majestys Councill before whom he had Sworne the Peace against him, and thereupon the said Mr Cheseldyn had Issued his Warrant to apprehend the said Dansey and his wife.

This Board do say that it is not usuall to Suffer Servants to Swear the peace against their Masters that if it should it might be very inconvenient.

Ordered that Mr Cheseldyn be wrote to not to Countenance the said Gerrard.

p. 9 Att a Councill held at Annapolis
June 29th 1704

Present his Excellency the Governour in a full Councill

Upon reading this day at the Board the petition of Severall Masters of Shipps now ready to Sayle for England praying

they might be Admitted to Sayle with her Majestys Shipp Lib. C. B.
Strumbulo, Nothwithstanding the former Resolution taken by this Government, and the rather, for that they are Informed that the Severall Shipps now ready to Sayle in Virginia will be Suffered to go with that convoy.

It is Advised and Resolved that if the said Masters will send an Intilligible person to Virginia to bring an Authentick Copy of the Resolutions there taken by the Governour and Councill, as to the Sayling of the Shipping there, And that they are permitted to Sayle with the Strumbulo they being farr more in number than those in this Province, This Board will Concurr therewith & do Order the Shipps in this Province to be Imediatly Cleared to Sayle with the Said Convoy.

And Ordered that in the mean time the Severall Masters of Shipps now in this Province make their Reports forthwith of their Ladings to the Severall Navall Officers and Collectors who are hereby Required Speedily to prepare and gett ready p. 10
their Severall Clearances; but not to deliver them to them untill they have an Account that the present Shipping in Virginia will be Suffered to Sayle with her Majestys Ship Strumbulo.

Att a Councill held at the Towne and Port of Annapolis p. 11
August 23d 1704.

Present His Excellency John Seymour Esqr her Majestys Governour in Chiefe

The honrble Thomas Tench Esq Coll John Addison Robert Smith Esqr Coll John Hamond Coll Edward Lloyd Lt Coll William Holland James Sanders Esqr and William Coursey Esqr of her Majestys honrble Councill.

Present also Lt Coll William Dent her Majestys Attry Generall.

Came Coll John Addison of her Majestys honrble Councill Who tooke the Oaths of Allegiance and the Oath of Abjuration Likewise Came Mr Henry Hall and Mr Joseph Holt Clergymen who tooke the said Oaths having heretofore scrupled to take them. His Excellency Tells the Councill that he Hopes they are not uneaseye, that he has called them together at this time to advise with them before the Sitting downe of the Approaching Assembly And Acquainted the Board with a Lre to him from an Eminent Merchant intimating Some Endeavours sett on foot to bring this Province wth others on the Contint: under the Governmt of New Yorke And desired they would consider thereof and give their Sentiments thereon.

Lib. C. B. Whether It will not be very prejudiciall to the Country and whether it may be proper to Comunicate this to the Generall
p. 12 Assembly or not and in what manner and what measures are fittest to be taken to prevent it. The Board Say it will be extream Burthensome to this Province.

And it is Resolved that first of all a Letter be wrote to the Agent for this Province together with an Address to her Majesty And that in Case the Said Agent finds the Matter to be as Reported, to get the Same presented ; otherwise that he do not prefferr the Same.

And that the Said Agent be cautioned to use his utmost Endeavours to obstruct any such pernicious Designs against this Government, and to give us an Account thereof.

Further Resolved that this Affair be laid before the next Session of Assembly in such manner as shall be concerted by this board at their next meeting.

Ordered that her Majestys Attorney Generall drawe the Said Address, and write the Said Letter. Mr Joseph Holts Petition Read And Ordered that Edward Hilliard the Church Warden be summoned to appear before the Councill att their next meeting the fifth of September next. And Ordered that
p. 13 the Key be Delivered to Mr Holt till further Orders and in case that parish have any complaint to make against the said Mr Holt that they then appear here.

As to his Complaint against the Sherriff Order that Mr Hays's Bond be assigned.

Iohn Kings Petition Read And referred to the Consideration of the Justices of the Provinciall Court. Memdm to write to Mr Bradley.

Mr Thomas Bordley Cleark of Ann Arundell County Court his petition for Settlement of Some ffees read. And the Assembly being near at hand the Pettion is refered to the Consideration thereof.

Ordered that the Court of Vice Admiralty proceed to the Tryall of the Martinicoe prize Imported by Captain Richard Johnson late Comander of the Briganteen Betty.

Her Majesty's Attorney Generall Informs his Excellency and this Boarde that two Jesuites were presented in St Marys County one for Dedecating (consecrating) a popish Chappell and the other for Saying Mass prayed the Advice of this Board what Measures he Should take therein. Whereupon It is Ordered that the Said Jesuites be Summoned to appear before the Governour and Councill at the next Assembly the Eighth day of September And that the Iustices of St Marys County Court Transmitt the proceedings of their Court relating thereto, before his Excncy the Governour & Councill.

Thursday August 24th 1704 Lib. C. B. p. 14

The Councill Sate present as yesterday.

Produced and read the Lords of Trade &c. Letter of the 16th of ffebry & Seventeenth of March 1703/4 with the Earle of Nottinghams Letter to his Excellency of the 23d of ffebry 1703/4. Whereby her Maj:sty gives Leave to Trade with the Subjects of Spaine. Saving Arms & Amunition.

Her Majestys Letter of the 29th of Febry 1703/4 Directing his Excellencys Care in the Disposition of Prizes and Securing the Lord High Admiralls Dues.

The prince of Denmarke Lord High Admiralls Order of the 4th of March to the Governour to give Certificates of the Treaty with Algier by Rear Admle Bing to all Shipps Built here.

Produced and read a Letter to his Excncy the Governour from the Rector of her Majestys Colledge of William and Mary in Virginia together with the Comissioners of the Customs Letter to the Governour of Virginia upon the Said Colledges Complaint desireing his Excellency to quicken the Collectors p. 15
in making up their Accounts of the one Penny ꝑ pound on Tobacco and to take Bond from the Said Collectors to the Colledge for their Answering the. The Board do Say they do think the Collectors have already given Bonds Sufficient to Answer the said Duty.

It being represented that her Majesty has a mann of War at New York wch is Shortly bound for Europe. It is proposed that in Case the Said Mann of Warr Should call at the Capes of Virginia Whether the Merchant Shipp in this Province bound for Europe Should not be Admitted to Sayle under her Convoy And Advised and resolved that they be so so Admitted to Sayle.

Resolved that this Board do consider before the Sitting of the Next Assembly and Advise his Excellency what is fitting to be Proposed to their Consideration, beside what already is reffered to them Memdm His Excellency Coll Nicholson the Governr of Virginia gave Bills for thirty pounds which were lodged in the honrble Col John Hamonds hands for the Use of the Church at Annapolis

October the 18th 1704.

Att a Meeting of his Excellency the Governour with Coll John Hamond and as many of the Members of the house of Delegates as were in Towne and could be gott together to witt Coll William Dent Mr Elias King Mr Thomas Greenfeild Mr Samuel Young Mr Robert Gouldesborough Mr Henry

Lib. C. B. Coursey Mr John Taylor Mr Nicholas Low and Mr Robert Tyler. Upon the unhappy Occasion of the State house being Burnt last Night.

His Excellency proposes upon this Sad Occasion of the State house being burnt that Some place be Appointed to place the Records therein and a House taken for the Provinciall and County Courts to Sitt in.

The Gentlemen Advise his Excellency will be pleased to Direct that the Provinciall and County Records be lodged above in the ffree schoole, and that Mr Young take care to have Shelves made.

Also Resolved. That a Day of Humiliation be Sett aside. The Gentlemen present are of opinion that it is absolutely Necessary the Governour & Councill upon this Exigency take care to provide an house for the Provinciall Court to Sitt in.

p. 17 That Care be taken to have a list of the Records taken to see what are wanting. And that Mr Young and Majr Greenberry See the Said List taken.

Upon which Occasion all the Clearks in Towne be ordered to Assist. Also Advised that the Comissarys Records be lodged in the Back Porch of the ffree schoole which is to be made Tight and Shelves put up there for the Books.

It being Represented that great Quantitys of Rume were imported from Pensilvania over the head of the Bay.

Ordered that Mr Vanderheydon have a Copy of the Law about the Duty on Rume from Pensilvania and Instructions given him thereupon.

p. 18 Saturday October 21st 1704.

Att a Councill &c.

Present His Excellcy the Governour.

The honrble Thomas Brooke Esqr Coll John Hamond Coll Edward Loyd Lt Coll William Holland and James Sanders Esq.

His Excellency was Pleased to acquaint the Gentlemen of her Majestys Councill of the unhappy Occasion of their now meeting. Then was Read the aforegoing Minutes taken October 18th The wich were Approved of by the Board and ordered accordingly.

Ordered that a Proclamation Issue for Wednesday the 29th of November to be Sett aside as a day of Humiliation and that therein an Account be given of the Land and Provinciall Records Saved.

Ordered the Papers and Records be Sorted and lists taken before Mr Young & Majr Greenberry Upon which Occasion

all the Clearks are to Assist. The Comission to the County Lib. C. B.
Court of Ann Arundell being Burnt Advised and Ordered that a New Comission Issue appointing Mr John Gresham Mr Charles Greenberry Mr John Baldwin Mr Richard Jones Mr Amos Garrett Mr John Brice Mr Samuel Chambers Mr Charles Hamond & Mr Josiah Toogood Comissrs and a Dedimus to Coll Hamond to Swear the Iustices. p. 19

Advised and resolved that the Brick Building now Standing be Secured by under propping and Shoaring or otherwise as workmen Shall advise

The Board Desire Coll Hamond to agree with Coll Dorsey to rent his forty foot house next to the State house Hill for the Assembly Provinciall & County Courts to Sitt in.

Read the Proceedings of the Councill the 18th of October last Which were Approved of by the Board.

His Excellency Informs the Boarde that he had been informed that Mr James Heath had Presumed to Send a Copy of the Law for Preventing the Growth of Popery in this Province before the Same Could be sent home by the Government.

Advised that the said Mr Heath be reprimanded therefore And that the Clarks be cautioned not to lett any Copys be taken of Laws untill they are Sent for England on pain of his Excellencys Displeasure.

Advised and resolved that for the preventing any ffire Especially in the publick Buildings and where the Records are Lodged and other Disorders in the Towne a Trusty Sober person be appointed to go about the Towne at Eight of the Clock and Tenn of the Clock every Night in the Winter to Warne people to have a care of their ffires and to take into his Custody and bring before a Magistrate any Disorderly persons And pursuant thereto His Excellency and p. 20
the Boarde agreed with Mr Evan Jones for 10 pounds p Annum to performe that Service.

Ordered that a Letter be wrote to Mr Henry Gerrard to tell him his Excellency has heard of his presumtion in preaching; but if ever he Dares to do soe without leave first had from his Excellency therefore, he shall be Expel'd this Province.

His Excellency acquaints the Board that he is informed Severall of the Laws made the last Session were Burnt in the State house And requires their Advice in this Disaster Who say that they thinke it Highly expedient the Assembly should meete on Thursday the 21st of November next When this Loss may be Supplied and other Weighty Matters as the Rebuilding the Court house & Settling Lands in Ann Arundell County may be considered.

Lib. C. B.
p. 21

Annapolis Tuesday Feb^{ry} 20th 1704.

Att the Councill Present

His Excellency the Governour

The hon^{rble} Thomas Tench Esqr Robert Smith Esqr Coll John Hamond James Sanders Esqr Lt Col Wm Holland

His Excellency acquaints the Boarde that he has lately viz. the 16th day of Ian^{ry} received Severall Royall Comands from her Majesty together with divers pacquetts from the Right hon^{rble} the Lords of Trade and forraigne Plantations which necessarily Require the Present meeting of the Boarde. And thereupon was Produced and read Her Majestys Royall Instructions of the 17th of July 1704 to his Excellency with a Copy of a Clause in an Act of Parliament for raising Recruits for the land fforces and for enlarging &c the Number of Saylers Saving only the Ma^{r} and one Moyety of Mariners English Ordered that the Clarke of the Boarde give Notice thereof to the Severall Collectors and Navall Officers. And Lres were wrote to th^{m}

The Lords Letter of the 29th of June 1704

Signifying her Majestys Pleasure that her Subjects here should be cautious how they give Accounts of the Publiq State of this Province, Least their Letters fall into the Enemyes hands and that all Masters of Shipps put all such Letters in a Bagg with a Weight and Sinke them before they are taken. Advised that Proclamation Issue to give Caution to the Inhabitants not to give such Account Which was issued accordingly

p. 22 And that the Navall Officers give Directions to Masters of Shipps as to Sinking of the Letters.

The Lords Letter with her Majestys Proclamation for a Day of Thanksgiving for her Majestys Compleat and glorious Victory over her Majestys Enemys neare the Danube under the Conduct of his Grace the Duke of Malborough and Directions to his Excellency to appoint a proper and Speedy Day to be kept by all her Majestys good Subjects here in like manner as prescribed by the said proclamation being read His Excellency was Pleased to Say that he not being able to gett a Councill together by reason of the hard Weather before the Receipt of her Majestys Comands and their Lordshipps Directions had uppon the first Advice thereof Issued a Proclamation to that End Which was read and approved of by the Board and thought fully to Answer her Majestys Pleasure therein.

His Excellency acquaints the Boarde he had Coll Nathan- Lib. C. B.
iell Blackistons Letter of the 24th of August 1704 with Copy of his Memoriall relating to the Three hundred pounds voted for New Yorke.

Whereas William Bladen has wrote all the Military Comis-
sions for the Severall Countys in this Province and taken p. 23
great Pains to Settle that affaire, Ordered that George Plater her Majestys Receiver pay him Tenn pounds and to Charles Kilburne five pounds for fireing the Gunns.

Advised that one hundred and Tenn Halberds be sent for Tenn whereof to be lodged in Each County, And Directions be given to George Plater Esqr her Majestys Receiver of the District of Putuxent to send for them.

Majr John Contee tooke the Oath of Allegiance and was Sworne one of the Iudges for probate of wills and granting Administrations &c.

Mr Andrew Richmond tooke the Oaths of Allegiance and was Sworne Master Gunner Store Keeper and Armourer of the Towne & Port of Annapolis and gave bond for the Execution of his Trust.

Captain Richard Johnsons Petition read praying Allowance of 22l 15s 6d by him Disburst upon the ffrench prize L'Ortolont is refferred untill her Majesty and his Highness the Lord High Admiralls Pleasure shall be Signifyed thereon.

Whereas Mr Joseph Holt who was dismised by his Excel-
lency and this Boarde from his Cure in William & Mary Parish in St Mary's County has again Presented Petitions from Sev-
erall hands to his Excellency to be Restored thereto this p. 24
Board being Sencible that the said Mr Holt was Dealt with According to his Deserts in that Matter do reject the Said Petitions and Resolve not to be further Importuned therein, of which all persons are to take Notice.

The Lords Letter of the 29th of June 1704 read relating to Coyns together with her Majestys Proclamation and the Computation made by the Master of the Mint, Ordered that Proclamation Issue for this Government for the better publishing the Same and that also the Currency of Dollars It be refferred to ffurther Consideration of this Boarde at their next meeting.

Att a Councill Wednesday Febry 21st 1704/5

Present as Yesterday

Came Mr Jonathan White and Mr Ralph ffoster now and James Swan late one of the Vestry of King and Queens Parish in St Marys & Charles Countys, And the said Mr ffos-

Lib. C. B. ter being told by his Excellency that he was informed through his means Mr Jonathan White was thrust out of his pulpett
p. 25 in King & Queens Parish and Mr Peirce Bodmin alias Gerrard introduced thereinto, he Denys that he has since cautioned by his Excellency had any thing to Say to the said Gerrard, & is cautioned that as a Vestryman he do not refuse to pay Mr White the forty ꝑ pole.

Came Mr George Forster according to Somons and his Excellency telling him that he was sent for to Answer an Information, that notwithstanding that Mr Henry Gerrard als Peirce Bodmin had been forbidd to Preach or Officiate as a Minister of the Church of England in this Province not having any Lord Bishopp of Londons Appointmt or Lycence so to do yet he had in his Parish Church Read or Declared that the said Gerrard had fully Proved his Orders before the Governour and Councill and Suffered him to preach in his Pulpett in Contempt of the Government. Mr fforster says he only said that Mr Gerrard had proved his Orders before Mr Cheseldyn and Mr Greenfield And he must tell his Excelly that tho he was Patron, yet he had no Spirituall power. To which his Excellency replyed he knew not any pretended thereto. And that he was called to Answer to Another Matter his contempt of the Government, and the said Mr Foster talking very confidently & Impertinently the Councill Desired him to take care of his Tongue as well as his Actions, this not being the
p. 26 only complaint agt him; for that he is charged for marrying people without Lycence. And the Attorney Generall Ordered to prosecute him for the Breach of the Law therein, after which he was desired to withdraw And the Boarde having considered his rude distracted behaviour And Language Resolve that at present he be reprimanded and cautioned to take care of his Actions for the future; but now dismist as not capable of good councill or reproofe, he was called in and received the said Reprimand.

Came Coll Beale and brought a Strange Indian and Says that his Son who Comands the Rangers had been out & past a greate Circumference; having left two Rangers at Gunns house who when they came in were asked if they had killed any Deere and said they would goe out and See, when two of them not above two hundred yards from the house riseing the Hill they came just upon this Indian which they tooke and Charles Beale disarmed & carryed him to Coll Addison. The Indian being asked whence he was and Desired to Answer in ffrench Pretended he had forgott most of that Language and seemed unwilling to Speake in it but Spoke Indian and by the Interpreter Indian Robin said his name was Nicholas & was a Seneka Indian, was asked how he Came by the

Crusifix and Beads he had about his Neck, Says he was taken by the ffrench Indians and Christined by a priest and had it at Canada Whence he came four year age, and has been at Conestogoa, and about three years agoe came to the Piscataways. Coll Beale takes a knife from the said Indian which he says severall offer to sweare was the mans Lately Murthered, Ordered that the Indian be comitted to the Goale of Ann Arundell County. The Indian says Montague an Indian gave him the Knife. Lib. C. B. p. 27

His Excellency lays before the Boarde Coll Adisons Letters and the Representations of the Inhabitants on the fforrest of Potomeck and acquaints them of sending out the Rangers which was approved of. And Ordered one more be Added & Range ffive and ffive in a party.

Mr Nathaniel Stinchicum Declares that a Delaway Indian that hunts for him told him (Drinking at Capt Dorseys) he Saw a Piscattaway Indian and two Eastern Shore Indians, and there was a Discourse that a Warr would be this Summer between the Indians and English. Ordered that the said Mr Stinchicum bring the said Indian before his Excellency with all Speed.

Att the Councill ffebry 22d 1704/5

Present as Yesterday

By Severall Informations Yesterday taken this Boarde are Satisfied that Richard Clarke and Benjamine Celie do lye out from the Inhabitants and ride armed threatning the Death of Severall of her Majestys good Subjects here and putting the Inhabitants in Terrour of their Lifes & Robing their houses. p. 28

Ordered that a Proclamation Issue with Tenn pounds Reward for takeing each or either of them and bring them to Iustice.

Att a Councill held Aprill the 9th 1705

Present.

His Excellency the Governour p. 29

The honrble Thomas Tench Esq Coll John Hamond Lt Coll William Holland Iames Sanders Esq and Coll Thomas Ennalls.

His Excellency is Pleased to Speake as followeth vizt

Gentlemen I Doubt not but you'll ever do me the Iustice to acknowledge I never desired a meeting of this honrble Boarde without her Majestys Imediate Service or the welfare and peace of your Country required it. Therefore hope youle

Lib. C. B. Consent I may put the reasons of my Meeting of you now into the Severall under written distinct Questions. Which I doubt not you will Answer with as much as candour as her Majestys hon[rble] Councill allways ought to do, to an honest well meaning Governour viz[t]

1st In relation to the Matter of the Indians. The whole proceedings whereof Since our Recess shall be laid before you; Next whether in this time of Danger the Rangers ought to be withdrawne or Put under the Conduct of a more knowing person than L[t] Charles Beale not having done his duty with any Sort of Discipline or Sence in relation to the Apprehending or Secureing Richard Clarke.

p. 30 Next I Desire your Sentiments about a Letter or Letters Sent to Severall in this Province by M[r] Tobias Bowles of Deale.

4 Whether it may not be proper to have the Assembly meete and do Business the Sixth of May next that proper Methods may be digested how to deale with the refractory insolent Indians

5 What you thinke fit to be done to that Sherriff or his Deputy who so carelessly lett the Indian Prisoner Escape to the loss & Detriment of the whole Province, beyond what Wee cann Yett Iudge.

6. Whether the Strumbulo one of her Majestys ffrigotts of 32 Gunns may be Deemed a Ship of Sufficient Countenance to be a Convoy (within the Intent of her Majestys Royall Instructions) to the present Shipping in this Province, or that they be embargoed untill a better convoy from England.

And then laid before the Boarde what he had done in Relation to the Murther lately Comitted by the Indians and placed the Rangers out for Defence of the Frontiers. Colonell Beals Iournall of his Expidition to the Piscattaway Indians together with what his Excellency had been Informed in Charles County and also L[t] Charles Beals Letter to his ffather about Richard Clarke

p. 31 Colonell Ennalls gives account that upon Receipt of his Excellencys Letter he went to an Indian the Cheife of the Choptanks and askt the Nanticoke Indians why they did not come and renew their treatys with his Excellency the Governor Who Answered that they were abroade hunting but within a months time they would come and pay their respects to his Excellency & Renew their Treatys. He acquainted them how Injuriously the Piscattaways had dealt with us for which they seemed to be much Concerned.

Resolved the Councill Sitt to morrow morning

Thursday Aprill the 10th 1705. Lib. C. B.

The Councill Sate. Present

His Excellency the Governour

The honrble Thomas Tench Esqr Robert Smith Esqr Coll John Hamond Lt Coll William Holland James Sanders Esqr Coll Thomas Ennalls.

The Question being Put that considering our Present Circumstances with the Piscattaway Indians and other Emergencys whether it is not absolutely necessary the Assembly should meete in Some Short time and at what time they being now Prorogued to the 6th of May, Resolved and advised that the Assembly Sitt the 15th of May next.

As to Lt Charles Beales mismanagement in relation to p. 32
Clarke His Excellency and the Boarde are willing to pass the Same by for his ffathers Sake; but Ordered that he be cautioned to use more Discretion for the ffuture and that Coll Beale be wrote to, to go and Inspect them once in Tenn or ffifteen Days.

Resolved that Since the Piscattaway Indians have failed to Come in according to Expectation that the Eastern Shore Indians be Advised to confine themselves to the Eastern Shore untill this Matter be Settled And that Coll Ennalls give them Such caution And that Limitts be Sett to the Indians not to come within ffive miles of any the Christian Plantations in Baltimore Ann Arundell & Prince Georges Countys, but if any Such Indians be found without their Limitts they be Seized and brought before his Excellency the Governour, And that Speedy notice be given the Indians to be sent by Majr Wilson

The Abstract of Mr Tobias Bowles of Deals Letter of the 26th of August 1704, being read at the Boarde, His Excellency is Pleased to require their Opinion Whether they do not think such Sort of Advices do not much amuse & Disturbe the Inhabitants And whether it may not be fitt to Represent the Same to her most Sacred Majesty & the Councill of England To which the Board do Answer they p. 33
do thinke it highly Reasonable & ffitting It being very Prejuditial as to the Crowne and Kingdom of England as this Province & tending to the Encouragement of persons disaffected to her Majesty Governmt

As to the Strumbulo and Shipps now in the Country.

The Councill are of Opinion She is no convoy nor thinke ffitting to lett the Shipps be cleared, but Order that the Navall Officers be cautioned not to clear any Shipps without his Excellencys perticular Order or Lett pass, which Order is Continued & the Navall Officers and Collectors ordered to

Lib. C. B. lett the Masters If now they will not be Suffered to goe without better Convoy, So that they may applye themselves to the best Service of their owners.

Mr John Gresham Sheriff of Ann Arundell County being called for, came, and his Excellency was pleased to ask him what care he tooke of his Prison that it had been broken and the Indian and ffellons Escaped His Excellency Says he told Mr Gresham that the Indian and Celie should not be together, which he Says his Excellency did, but that he could not Part them because the Key of the other Roome was lost, much Blameing his Deputys Neglect. As to the Sherriff of Ann Arundell Countys Suffering the Prisoners to Escape by the Negligence of his Officer it is reffered to the Attorney Generall to inform the Provinciall Court thereof.

p. 34 Benjamine Celie having lately broke Prison and being now retaken and brought before this Board and Examined Says that when he went out of Prison there was at the Prison doore John Dawly and ffreeborns Miller & one Cuningham who brought him a Dram That the Sawyer and the Smith had been with him before. Believes One William Chaplin of Charles County who workt with him gave him the ffile and that it was Offered him Severall times before he tooke it Sayd he has not wanted for Drinke believes Richard Clarks ffriends have been kind to him. Ordered that Anthony Milburne who was also Comitted on Suspition of haveing Assisted Celie in his Escape be brought before the Board and being brought and Examined Says that he did send Benjamine Celie Some Rume but thought no harme in doing so Ordered the said Benja Celie and Anthony Milburne be remanded.

Humpherye Hernaman comitted on Suspition of assisting to Breake the Prison being Examined Says Docter Hoopers man Charles Stevens had bought a pair of Stockings of Benjamine Celie and desired him to Change a Doller & give Celie three Shillings which he did. Says he never brought a
p. 35 file out of his Masters Shopp. Ordered that the said Humphery Hernaman be remanded.

And the Question being Refered to her Majestys attorney Generall Whether Humphery Hernaman (being comitted for assisting Benjamin Celie, the Indian and a ffelon, to break the Prison on Sunday the 25th of March last, & against whom there is a Violent Presumption of Rescuing the Said Prisoners Comitted for Treason and Burglary) is not by Law lyable to the Same pains and Judgment as if those Prisoners had been Actually convicted

The Said Attorney Generall Says he will be in the Same Circumstances if the Evidence amounts to a Conviction but

what he cann find it is only Presumtive and so being comitted Lib. C. B.
on Suspition thinks he may be Admitted to Bayle.

Att a Councill held the 28th day of p. 36
Iune 1705. Present

His Excellency the Governour

The hon^rble Robert Smith Esqr Coll John Hamond Lt Coll William Holland & James Sanders Esqr

Came Coll Thomas Smithson & Col Thomas Smith

His Excellency proposes that whereas her Majestys Councill have been Somoned and have not appeared so that he cannot gett a Sufficient Number of Councill together notwithstanding his utmost and best Endeavours so to doe being resolved not to Act under the Number of ffive proposes Why may not Coll Thomas Smithson & Coll Thomas Smith now present upon this Exigency be required to give their Advice or otherwise Since the Councill are not mett. He must be at a loss to proceed Especially in relation to the present Shipping being Admitted to Sayle for England or not. Proposes the Matter to the Councill and Gentlemen present producing the Severall Papers from the Governour of Virginia viz. the Councill of Virginias Proceedings thereon and Masters of Shipps Petition and reasons to go with the Strumbulo man of Warr, produced also a Letter from Mr Robert Dunk- p. 37
ley Adviseing of two men of Warr coming to ffetch Home the Present Shipping in the Country, upon which the Gentlemen are of Opinion that the Said Strumbulo is no Sufficient Convoy.

His Excellency Says that he will if the Board approves it as soone as the Present Court of Goale Delivery is over permitt the Guards may be Discharged and the Powder Disperst according to the Desire of the Assembly as Soone as may be.

Friday June 29th 1705. p. 38

Att a Councill held Present

The hon^rble Thomas Tench Esq Robert Smith Esq Coll Hamond Lt Coll William Holland & James Sanders Esqr

Read the Petitions of the Masters of Shipps in Virginia to his Excellency the Governour and Councill in that Colony may be Admitted to Sayle with the Strumbulo and the Proceedings in Councill of Virginia and the Masters of Shipps Petition in this Province.

Lib. C. B. Whereupon it is advised & Resolved that the said Masters will an inteligible person to Virginia and bring an Authentick Copy of the Resolution there taken by the Governour and Councill in Reguard to the Sayling of the Shipping in that Colony if they be there permitted to Sayle the Shipps here will be Imediately cleared and for their better Dispatch to make their Severall reports of their Ladings that the Officers of the Customes may have their Clearings Ready.

Edward Mariarte being called in is told that Thô he has not performed what he promised in takeing Richard Clarke but in reguard to his Excellency Word

p. 39 It is Ordered he be not further prosecuted for letting Clarke have horse & boate.

Collonel Adisons Letter to his Excellency Proposing that the two Partys of Rangers should meet once in twenty days upon the Maine Branch of Patapsico Read and Ordered that Letters be wrote to Coll Addison & Coll Dorsey so to Direct the Said Rangers.

Received the Lord Cornburys Letter of the Second of June 1705 Acknowledgeing the Receipt of his Excellencys & that he had directed inquiry to be made at albany among their Senequyrs concerning the Mischeif Supposed to be done here by those Indians and so soon as he had received the Answer he would Write to his Excellency.

At a Council held at the Towne and Port of Annapolis, the Eleventh Day of October Anno Dñi 1705

Present

His Excellency the Governour

p. 40 The hon^{rble} Thomas Tench Esqr Coll John Hamond Lt Coll William Holland & William Coursey Esqr

Mr James Keech appearing at this Boarde pursuant to a Somons to that Purpose Copys of Divers Letters by him wrote to Coll Nicholson & Mr Peregrine Cony of the 26th of ffeb^{ry} 1704 Sent from his Excellency Coll Nicholson Governour of Virginia to his Excellency Coll Seymour were read at the Board wherein the Said James Keech did most notoriously reflect on the Present Constitution of this Government seeming in a very Extraordinary manner to Espouse the Cause of one Henry Gerard a Runagado Romish Preist who presumed to Lybell his Excellency the Governour and Stuck not in a most Scandalous manner to call in question the whole Government as protectors and ffavourers of papists. And the said

James Keech being asked what inductive Reasons he had to write Such Letters to express himself in so Envious as manner against his Excellency Lib. C. B.

The said Mr Keech answers that if he has done any thing amiss he humbly Beggs pardon for it But Declares he will not acknowledge the Copys unless his owne hand Appears against him. p. 41

Whereupon was produc'd Coll Nicholsons Letter to his Excellency attesting them to be Copys of Said Mr Keeches Letters to himself &c

To which Mr Keech makes no Answer and is thereupon Ordered to withdraw.

The Board taking into Consideration Mr Keeches behaviour in this matter Do order that he be bound to his appearance at the Next Provinciall Court & good behaviour in the meantime.

[Court of Admiralty.] Lib. H. D. p. 290

Oct. 20 1705

Georgius Daniæ princeps &c Dominus Magnus Admirallus Angliæ Hiberniæ &c ac omnium Dominiorum Serenissimæ Domine Nrē Reginæ in partibus Transmarinis &c Mariumq & Classium eorundem præfectus Generalis Dilectis nobis Collonello Johanni Seymour Armigero Vice Admirallo Nostro & Gubernatori principali provinciæ & Territorij de Maryland in America Necnon Iacobo & Herculi Coutts Generosis Salutem Cum Dilectus Noster Gulielmus Clements Legum Doctor Surrogatus Præhonorandi viri Domini Caroli Hedges Militis Legum etiam Doctoris Locumtenentis Nostri Supremæ Curiæ Sue Majestatis Admiralitatis Angliæ et in dicta Curia et Officialis Principalis Commissarij Generalis et Specialis at Præsidentis et Judicis ejusdem necnon ad Audiendum et Terminandum omnes et Singulas Causas et querelas quoad Naves et bona jure Repressaliarum vel belli capta aut Seizita Specialliter Constituti ad petitionem procuratoris Dominæ nostræ Reginæ Commissionem vobis seu aliquibus e vobis vestrum fieri ad Effectum subsequentem subq modo & formâ infra scriptis Decreverit Institia id poscente vobis igitur seu aliquibus duobus vestrum harum serie potestatem concedimus & elargimur & mandamus quatenus non Omittatis quum pro quibuscumq bonis rebus mercibus & mercimonijs nec non pro apparat & access: Navium quarumcunq quocunq modo pro praeda Captorum vel Seizitorum vel Imposterum capiendorum vel seizandorum & ad dictam provinciam & Territorium de Maryland & Destrictis eundem adductorum vel Adducendor aut imposterum Capiendorum vel Seizandor. quæ furto aufferri tam dictis Navibus quam e Custodiâ

Lib. H. D. vestrum seu Custodum et ministrorum quorumcunq & predictorum bonorum Custodiam Deputatorum vel quovis modo subduci Contigerit strictam & Diligentissimam Inquisitionem & indigat. omnibus vijs & modis (quibus id legitime fieri possit) facietis & fieri Curetis ac quascunq personas quas ad veritatem in hac parte docendam seta eruendam necessarias aut oppurtunas videbuntur coram vobis seu Aliquibus duobus vestrum comparere faciatis easdemq ꝑsonas & eorum quam libet de et Super quibuscunq questionibus sive
p. 291 Interrogatorijs pʳmissa Concernentib. & præcipue de & Super Speciebus signis Indicijs numero pondere mensura quantitate & qualitate bonorum Rerum sive Apparatum & accessionum cujuscunq. Navis quem & quæ furto auferri vel fraude aliqua abesse vobis Consteterit vel Suspectum fuerit per vos eis proponendis vigore juramenti Corporalis eorum cuilibet sui vestrum aliquem respective deferendi Examinetis & Interrogetis eorumq. Dicta & Depositiones in Scriptis fideliter redigi faciatis ac ubicunq. seu in quorumcunq. manib. & Custodia sive ex deposito sive Empto seu alio titulo quocunq vel mare vel terram tam infra Libertatem & ffrancheis quam extra Invenietis antedicta bona res merces & mercimonia seu navium apparatus & accessiones seu aliquem partem sive parcellam eorundem sic (ut præfertur) furto Ablata vel auferenda vel quacunq obtentu seu colore subducta seu subducenda eadem omnia & Singula a detentoribus earundem exigatis in manus vestras Recipiatis in Inventarium Redigatis & Sub Salvo & Securo Custodiatis sequestro donec a litera nobis in dicta Curia nostra in mandatis habueritis Mandantes Ex parte dcæ Duæ nræ Rnæ & quatenus eos omnes & singulas quas ꝑ examinationem vel alios modos pʳd invenietis antedicta bona res merces & mercimonia sive Navium apparatus & accessiones vel aliquam partem sive parcellam eorundem recepisse emisse nactos esse habuisse aut habere in præsenti Si eadem vobis retradere & deliberare vel Condignam pro eisdem Compensationem facere renuerint seu recusaverint nec non illos qui harum Executioni Obstabunt cujuscunq Condicionis & Status fuerint realiter Arrestatis & ꝑ Scapulas capiatis seu arrestari & per Scapulas Capi faciatis ac eos sub salvo & Securo Custodiatis Arreste donec sufficientem Cautionem cum fide jussoribus idoneis interposuerint de personaliter Comparendo coram Iudice Cur pʳd ejusve surrogate in aula Communi hospitij Dnorum Advocatorum infra parochiam Scti. Benedicti prope Ripam paulinam Londini notorie Scituat Centessimo die post Arrestum hujusmodi in hac parte fact. si Iuridicus fuerit alioquin & die Iuridico ex tunc proxo Sequen horis Causarum ibidem ad jura reddend consuetis præfatæ Dūæ nræ Rnæ in quadam Causa speciali ac Civili &

Maritima de justitia responsur Assumpto vobis vel aliquibus duobus vestrum ad præsentium executionem quocunq Notario publico fide digno una cum Interprete fide digno quoties res postulaverit ad fideliter Interpretand ꝑ vos seu vestrum aliquem juramento onerand vel si istiusmodi Notarius publicus haberi non poterit assumptis duobus testibus fide dignis literatis in vestrum in hac parte actorum scribam & Registrarium vobis insuper seu aliquibus duobus vestrum harum serie similem potestatem Concedimus & Elargimur & Mandamus quatenus non Mittatis quin ꝑ Sacrm. quinq bonor & legalium hominum notæq ꝑbitatis & Peritiæ ꝑ vos seu vestrum aliquem Onerand de qualitate & Conditione Seu Statu in pejus ruente navium quarumcunq seu quorumcunq bonorum rerum mercium & mercimoniōm sic ut præfertur captor seu eapiend ad dict ꝑvinc & Territor de Maryland & destrictus ejusdem adductor seu adducendor quæ furto auferri tam e dictis Navibus quam e Custodijs vestris seu Custodia alicujus vestrorum seu Custodum & ministrorum quorumcunq ad prædictor bonor custodiam Deputator vel quovis modo Contigerit debite Inquiratis Nec non naves & bona res & Mercimonia quæcunq Sic (ut præfertur) Capta seu capienda furto ablata & quæ peritura sunt & Servando servari non possunt ꝑ quinq probos & legales homines longa experientia circa qualitat & valor bonor sive rerum sic appretiendor & ꝑ peritis in ejusmodi bonis seu mercibus habitos & reputatos ꝑ vos ad id Eligend ac juramento Corporali de eisdem fideliter Appretiand & estimand per vos seu vestrum aliquem onerand fideliter & juste juxta veros eorundum valores de tempore in tempus quoties res postulaverit appretiari & Estimari faciatis & de eisdem disponatis juxta Iuris Exigentiam dictasq appretiationes sic factas manib. vestris seu manib. duorum & dictor appretiator Subscript dictaq & Depositiones testium pred. totumq & Integrum processum coram vobis vel aliquibus duobus vestrum habitum & factum Iudicii Curiæ p'd ejusve surrogato debite Transmittatis & hac nullatenus omittatis Dat Londini in Cur p'd sub sigillio ejusd magno 20° die mensis Octobris Anno Dni 1705 Regniq Dom. nræ Annæ quarto

Lib. H. D. p. 192

Richard Crawley Reg^rus

{ Sigill Curiæ admiralitatis Angliæ }

Feb. 11, 1705/6

Interrogatoria ministrand ex parte Serenissimæ Dñæ Nostræ Reginæ Annæ Dei Gra Angl &c Pm̄æ Testibus omnib & Singulis quoad bona res merces & mercimonia nec non quoad

p. 293

Lib. H. D. Apparatus & accessiones navium qualiumcunq pro prædâ Captar & Seizitarum vel inposterum Capiend & Seizandar & ad provinciam sive Territorium de Maryland & destrictus ejusdem Adducta seu adducenda quæ furto auferri aut Subduci Contigerint vigore Comissionis producendis

1 Imprimis Interrogetur quilbet Whether do you know any ship taken as prize by any of her Majestys Shipps of Warr & brought unto any port or place in the province of Maryland or Districts thereof. To what part or place did such Shipp belong Of what burden was she & to what port or place was she bound what money plate Iewells Goods Wares or Merchandizes were in her at the time she was taken & what particular quantity of each sort of Goods Declare the truth herein as you know believe or have heard Et Interrogetur Conjunctim Divisim & de quolibet.

2 Item Interrogetur quilibet Whether do you know or have heard of any money plate Iewells Goods wares or merchandizes which were part of any such prize Shipp or of any Part of the tackle Apparell or ffurniture Masts or Gunns or any part of such Shipp that have been fraudulently taken away purloind or imbezilld by any ꝑson since the Capture of any such prize Ship if yee Express & Declare the particulars thereof and the sev^{ll} kinds quantitys & Qualitys thereof and the value thereof as near as you can Iudge & the Name of the person or persons who so purloind or Imbezilld the Same or by whose order or Direction the Same was done or to whose hands or possession they Came and the name of the person or persons in whose Custody or possession & the place where the Same are or lately were & what is become of the same, or if sold & disposed of what was the value thereof Declare what you know believe or have heard to this purpose Et fiat ut Supra.

p. 294 3 Item Interrogetur de veris Causis Scientiae Suæ Instructions for the Comissioners for Examination of Witnesses by vertue of a Standing Comission granted by his Royall Highness prince George of Denmark Lord high Admiral of England &c touching all Shipps & Goods Seizd in any of the ports or Harbours of pensilvania Maryland New Yorke & Connecticut in America or any of their Districts and also concerning all shipps Vessells & Goods taken & Seiz'd by any private Mann of Warr or by Shipps or boats without Comission & brought into any of the ports or Harbours afd or their Districts.

Upon Receipt of this Comission at pensilvania New York Mary^{ld} or Connecticut the Commission^{rs} must all Meet at some Convenient place & then a Notary publiq who is to take the Examinations of the Witnesses must present the Comission

unto the Two Commissioners who are to Cause it to be publickly read & then to Declare that they accept of the said Comission. Lib. H. D.

This being done they are to Choose a Notary publiq who is to write downe the Depositions of the Witnesses when they Come to be Examined.

After the ship shall be taken & brought into any of the s^d places You are to Cause three or four of the principall of the Company (whereof the Master his Mate & the pilot to be always 3) to be Examin'd upon the Interrogatorys annext to the Comission & the Examiner must take this Method.

Every Witness must be Examin'd single & alone by himself and before he is Examined he must be sworne after this Manner laying his hand on the Booke you shall at the time of your Examination speak the truth the whole truth & nothing but the truth without favour or Affection to either party So help you God then Kiss the Booke when this is done the Examiner in p^r sence of the Com^rs or any one of them must read over distinctly the Interrogatorys annext to the Comission & then he must write the head of the Deposition after this Manner

Here putt down the Day of the Month & year.

A. B. Aged years or thereabouts born in & Ma^r or what place he has in the Shipp

To the first Interrogatory he answereth & Deposeth that then you must sett down at length the Witnesses Answer to the severall Questions in the first Interrogatory for it is not sufficient to put down to any of the Interrogatorys p. 295
This is true in the Generall for the Witness must answer particularly & distinctly to each Question And you are to breake off at the end of every Interrogatory and begin after the first.

To the second Interrogatory &c. And so on to them all for the Witness must be examined distinctly to every one Where a Witness can Depose to part of an Interrogatory & not to all After you have taken downe what he Can say you must Conclude thus And otherwise he cannot further Depose to this Interrogatory

Where a Witness is Examin'd upon an Interrogatory & he knows nothing of it you are to write down thus.

To the Interrogatory he answereth that he knows nothing of it nor can Depose thereto.

All papers & Writings found on board the prize must be shewed to the Witness at the time of his Examination afd after the Witness is Examin'd his Deposition must be read

Lib. H. D. over distinctly to him & then he must put his name & Sirname to it and the Examiner must take him before the Comissioners or any one of them & before him he is to be repeated which is to shew him his Deposition as tis written and ask him if it be true & according to his mind & then the Examiner must write these words Repetit & Preroguit coram Nobis & the Comm^rs^ must subscribe their names thereto and the Examiner some space below must his name thereto

In Case the Witness cannot be understood without an Interpreter you are to Choose one whom you are to give an Oath to after this Manner you shall swear according to the best of your skill truly to Interprett between the Witnesses & the Comissioners so help you God & when you use an Interpreter he must put his name to the bottom of the Deposition also with these words ꝑ Interpretationem D. E.

You are to observe that the Com^rs^ may ask the Witnesses ony other Questions than are Contained in the Interrogatorys annexed to the Comission & require the Witness to answer thereto but then the Same must be putt into Writing & sent up with the Dep° for you are requir'd by the Comission to send up with the Dep° true Copys of the Interrogatorys upon which they have been Examind & this must be done in Every Shipp.

The Depo^t^ when finishd with the shipp papers must be Seald up and forthwith sent up by the first Conveyance for England directed to the R^t^ hon^rble^ Sr Charles Hedges Kn^t^
p. 296 Doctor of Laws Iudge of her Majestys high Court of Admiralty of England or his Surrogate at Doctors Comons inclosed in a letter directed to Richard Crawley Esq Reg^t^ of the high Co^r^t of Ad^rlty^ at Doctors Comons and at the same time Transmitt an Acco^t^ of yor proceedings by way of a Letter directed to Mr Jeffry Glasier procurator Generall of the L^d^ high Ad^ll^ of Engl. at his Chambers in D^r^s Comons.

Georgius Daniæ princeps &c Dominus Magnus Admirallis Angliæ Hiberniæ &c ac omnium Dominiorum Serenissimæ Dominæ nostræ Rnæ in partibus transmarinis &c Mariumq & Classium eorundem p^r^fectus Generalis Dilectis nobis Iacobo Coutts & Herculi Coutts Generosis Salutem Cum Dilectus noster Gulielimus Clements legum Doctor surrogatus p^r^honorandi viri Domini Caroli Hedges militis legum etiam Doctoris locum tenentis nostri supremæ Curiæ suæ Majestatis Adm^rltatis^ Angl & in dictâ Curiâ Officialis principalis Comissariq Generalis & Specialis ac præsidentis & Iudicis ejusdem necnon ad audiendum & terminandum omnes & Singulas Causas & Querelas quoad Naves & bona Jure Repressaliarum vel belli Capta aut Seizita Speciâlter Constitut ad petitionem procuratoris nostri Comissionem ad effectum Subsequentem

Decreverit Iustitia id poscente vobis igitur Conjunctim & Divisim harum serie postestatem Concedimus & elargimur & mandamus quatenus non omittatis quin ꝑ sacrm ꝑbor & legalium homin notæq probitatis & ꝑitiæ ꝑ vos Conjunctim & divisim onerandorum de qualitate & Conditione seu Statu in pejus ruente navium quarumcunq seu quorumcunq bonor rerum mercium & mercimonior in aliqua parte infra provincias pensilvaniæ Maryland New York & Connecticut in America vel Territorijs eisdem dependentibus Seizitorum seu in posserum Seizandor vel ꝑ aliquas naves privatas bellicas vigore Lrarum Marcæ sive Comissionis bellicæ a nobis Concessarum sive aliqua Comissione captor vel Seizitor seu in posterum capiendor seu seizandor & ad aliquam portum infra provincias & Colonias pensilvania Maryland New York & Connecticut in America vel territor eisdem dependentia adductor vel adducendor debite Inquiratis necnon naves & bona res Merces & Mercimonia quæcunq capta aut Capienda & ad loca p^rd adduct vel Adducend quæ ꝑitura sunt & servando servari non possunt ꝑ quinq ꝑbos & ległes hoñes longâ Exꝑientia circa qualitatem & Valorem Navium & bonor sic appretiendor & ꝑ peritis in eisdem Navib & bonis habitos & reputatos ꝑ vos Conjunctim & Divisim ad id elegendos ac Iuramento Corporali de eisdem fideliter appretiandis & estimandis ꝑ vos Conjunctim & divisim onerandos fideliter & juste juxta veros eorundem valores quibuscunq dieb & loca ꝑ vos Conjunctim & Divisim in ea parte statuendos de tempore in tempus quoties res postulaverit eisdem per vos in verum plenum & ꝑfectum in scriptis Inventarium redactis Appretiari & estimari faciatis & de eisdem disponatis (Iuxta Juris in ea parte Exigentiam) dictamq Appreciationem sic fact manib vestris seu manu alterius vestrum & dictor app^rtiatior subscriptum totumq & integrum processum coram vobis Conjunctim & divisim habitum & factum Iudici Curiæ pred ejusve Surrogato debite transmittatis & hoc nullatenus omittatis Dat Londini in Cur p^rd sub sigill ejusdem magno decimo nono die Mensis Martij Anno Domini 1705 (stilo Angliæ) Regniq Dom. nræ Annæ 5°

Lib. H. D.

p. 197

Sigill Cur Ad^rltis Angliæ

Rich: Crawley Reg^rius

By John Dod Esq Receiver Generall & John Warters Esqr Comptroller & Solicitor for Recovering the Rights & Perquisites of Admiralty

Whereas I have Received Good Recomendation of you James Couts and Hercules Coutes Esqr as fitt persons to be Employed as agents for the affaires of the Admiralty for all

Lib. H. D. and singular the Ports and Places in Pensilvania Maryland New York & Conecticot on the Continent of North America
p. 198 wee Relying and Considering on your Diligence and fidelity therein Do hereby in Pursuance of the Severall powers to us in that behalf Given by his Royall Highness Prince George of Denmark Lord High Admirall of England Ireland &c and of all her Majestys Plantations &c and Generallissimo of all her Majestys fforces &c Do Constitute Authorize and Depute and Appoint you the said Iames Couts and Hercules Couts Agents for the affaires of the Admiralty for all and singular the Severall Ports and Places of Pensilvania Maryland New Yoark & Conecticot as aforesaid, desireing and Requireing you by all Lawfull ways and means to Endeavour the Recovery and Preservation of all his Royall Highnesses Admiralty Rights and perquisites which have shall or may happen to Come or be brought into all Every or any the Ports and places afd with full power and Authority to you the said James Couts and Hercules Couts to ask Demand & Receive of all and every person and persons all Such Tenths Salvages and other Dues and Rights belonging to his Royall Highness Issueing or araiseing out of the same and Rendering Due accompts thereof to us from time to time pursuant to the Tenour of a Certain obligation bearing even Date with these presents for that purpose Entred into by Thomas Couts Merch^t and James Cambell Merch^t for and in your behalf and for your better Government in the Premisses we send you herewith some Instructions which you are desired to Comply with and follow, as well as with such further or other Directions Instructions and orders as there shall or May be occasion hereafter to send you, and for your so doing this shall be your sufficient Warrant to which Wee have putt our severall hands and seals this Eleventh Day of Febuary in the year of our Lord 1705/6

J Dod
J Warters

To James Couts and Hercules Couts Esq
at Pensilvania

Instructions You are to Use your utmost Endeavour to prevent Embezellments in all Shipps & goods that shall be brought into any of your ports and places as prize by any privateers belong to any of her Majestys Subjects and see that such Captors after Condemnacōn pay their Tenths duly togather with the Incident Charges due to you for what you shall act and Doe therein before such prize shall be Suffered
p. 199 to Depart.

2 Where any Merchant Shipp or other Shipp or Vessell whatsoever not Carrying a Comission shall Take any Vessell

belonging to the Enemy in Open Sea such Vessell and her Lading soe Taken after Condemnation will be wholly Due to the Lord High Admirall, as a perquisite of his Office. Lib. H. D.

3 The Same will be in Case of any shipp, or Vessell Seized or taken in any Port, harbour, or Road, or within Gunn shot of any of her Majestys Castles, or Forts whether the same be Taken with or without a Comission.

4 Where any shipp belonging to any of her Majestys Subjects shall be Rescued or Retaken from the Enemy, such shipp and Goods after Appraisment must pay Such Salvage as the Court of Admiralty shall Adjudge which Salvage is wholly due to the Lord High Admirall unless such Resquing be by a privateer in that Case the Salvage will be Adjuged due to the privateer out of wch Salvage one Tenth thereof is to be paid to the Lord High Admirall.

5 Where any Capt of a Privateer shall Change his Shipp and Act therein with out takeing a new Comission and therein take any Prize on proof thereof such prize after Condemnation will be Adjudged wholy to belong to the Lord High Admirall the same Rule is where any person other then the Capt who is in Comission named as Capt therein shall take upon them to as Capt

6 When any privateer shall bring in his prize you shall be ready to give him all the Assistance and Dispatch you Cann in the Examination of his witnesses and where any Comission of Appraism^t^ shall Come directed to you and others you are to see that the same be duly put in Execution and after such Appraisments are duly made to see the Same be fully Sett Downe and An Account thereof forthwith sent to us.

7 You are to Send ffreequent Accounts to me of all Transactions happening at any of your Ports Relating to these Affaires, And for what Charges you shall be at on Account of all such prizes as shall be brought in and Condemned as Entire perquisites of Admiralty you must send due Accounts thereof to us with proper Vouchers in Order for payment as shall be thought Reasonable with a further p. 300
Allowance of five pounds ꝑ Cent according to the sale of such prizes, but for what Charge you shall be at on any Prizes brought in by privateers the Owners of the said privateers or their agents are to pay you for what you shall Doe therein, the Lord High Admiral's Account not being to be Charged there with.

I. Dod
J Waters

Lib. C. B. p. 42 Maryland ss[t]

Att a Councill held at the Councill Roome in the Towne & Port of Annapolis Thursday the 21st of ffeb[ry] 1705/6

Present

His Excellency the Governour

The hon[rble] Thomas Tench Esq Coll John Hamond Coll Edward Lloyd L[t] Coll William Holland & M[r] James Sanders.

His Excellency tells the Councill that they Cannot but be Sencible of the Reference formerly made of her Majestys Royall commands as to Towns and Ports with other Matters to be laid before the Generall Assembly at their next Sitting, And therefore Desires their Advice when it will be a proper time for the Assembly to Sitt his Excellency Observing to the Board that he should be very glad they might Sitt long enough & rise timely to have the Iournalls & other Proceeding Transcribed to go with the men of Warr expected.

The Boarde do say that the first Tuesday in Aprill will be a very Proper time.

Ordered that Proclamation and Letters be writt to require them to meet.

p. 43 His Excellency recomends to the Councill that they will in their Severall Countys endeavour to perswade a Complyance to her Majestys Reasonable Comands Which they say they will readily endeavour.

His Excellency acquaints the Boarde that the Severall persons who keep fferrys usually refuse to give dispatch to publiq Pacquetts & Messengers Unless the Persons bringing the Same have ready money to Answer their Demands therefore.

Ordered that caution be given to them from this Board to give Dispatch to all Such pacquetts and Messengers for her Majestys Service without Exacting any Reward therefore on pain of being Displaced & others Putt in their Steads.

Coll Biggers Comander in Cheife in Calvert County not having returned a List of his Officers Ordered that the Clerke of this Board write to him to hasten the Same that they may be approv'd and Comissionated.

M[r] Keeth and M[r] Adams Petition and Letter to his Excellency and Councill on M[r] Micnishes Application being read, Ordered thereon that there be no meeting houses Built within Less then halfe a mile of any Established Church already Built; That they give an Account of all the meeting houses they have to the County Court who are to give his
p. 44 Ex[ncy] an Account thereof, And that before they build any more they Acquaint his Excellency therewith & where Scituated.

Mr Andrew Richmond Master Gunner and Store keeper of Annapolis his Petition and Account of Stores, referred to the Assembly. Lib. C. B.

Mr Henry Pinckney Overseer of the Highways being called before the Boarde his Excellency is Pleased to Checque him for Neglect of his Duty and Perticularly the Roade at South River Mill He beggs Pardon and Assures his Excellency and the Boarde that he will be very Dilligent in his Duty for the future & will take Care to have the ways mended, Whereupon he is Dismist for this time.

Mr Molls Letter with Mr Richard Cantwells Information about the Indians being read.

Ordered that a Letter be wrote to Coll Ennalls to Inquire whether the Nanticoke Indians owe the others tribute and if they do to caution them to pay it for that the Government will not protect them in an unjust Action and that a Copy of Mr Molls Letter be sent him by Coll Lloyd.

Att the Councill Chamber May 22^d 1706. p. 45

Present His Excellency the Governour.

The hon^rble Thomas Tench Esq Thomas Brooke Esqr Robert Smith Esq Coll John Hamond Coll Edward Lloyd Lt Coll William Holland and James Sanders Esq.

His Excellency Comunicates to the Boarde his Excellency the Governour of Virginia Letters of the Seventh Instant with some Minutes of her Majestys Councill of State there & a Proclamation, upon the late Suddain advise of a ffrench Squadren of men of Warr in conjunction with Severall Privateers Designed to Infest this Coast Whereupon it was debated and consulted whether it may not be proper to Issue a Proclamation Prohibitting the Masters of Shipps to ffire any Gunns whereby to allarm the Country.

Resolved that such Proclamation be forthwith issued. His Excellency is Pleased to aske the Advice of the Boarde where they thinke the Shipping in the Country may be best Secured in case the Enemy should make an Insult on this Province & desires them to Consider thereof and give their Advice upon the next Sitting of this Boarde which is God willing Speedily intended.

Wednesday afternoone Councill meets p. 46

Present, His Excellency the Governour

The hon^rble Thomas Tench Esq Thomas Brooke Esqr Robert Smith Esq Coll John Hamond Lt Coll William Holland James Sanders Esq and William Coursey Esq.

Lib. C. B. His Excellency acquaints the Boarde that upon receiving the late Report from Virginia he had Ordered the Navall Officers to give Notice to the Severall Masters of Shipps to attend this Boarde and his Excellency being acquainted that most of the Masters are now in Towne Ordered that Notice be given them that his Excellency Expects their Attendance at the Councill Chamber.

Then Came the Masters of Divers Shipps now in this Province to the Number of about thirty to whom his Excellency was Pleased to Comunicate the cause of their calling them together as followeth

That he hoped they did not thinke he had sent for them on a frivolous occasion but for her Majestys & the Countrys Service & their owne Safety and that in Case of any Danger or Invasion they should never want either his Advice or utmost Assistance and Asks their Opinion where they thinke are the most Proper Places for Securing their Shipps

p. 47 After which the said Comanders withdrew And after Some time Came Cap[t] James Thomas on behalf of all the Masters of the Shipps and acquaints his Excellency & the Board that the Masters of the Shipps have Considered what his Excellency was Pleased to Comunicate to them & wholly Submitt themselves to the Judgment and Opinion of his Excellency & this Board Whereupon its Ordered that all Shipps now in a readiness to Sayle do as Speedily as may be repair to puttuxent River & those not ready do upon the first Alarme make the best of their way thither in Order to Secure themselves and do in all things conforme themselves to the Directions of the Proclamation. His Excellency aquaints the Board that upon persuall of the Iournalls of the Councill in Assembly and of the house of Delligates he finds Severall Mistakes and Incongruitys & that he has Desired Coll Thomas Smith & M[r] Robert Smith to Correct the same and thinks it proper with the advice of the Councill that one other member of this Board be Joyned to assist therein His Excellency desires M[r] Tench will be aiding to them in that Affaire.

His Excellency represents to this Board the great evill too Comon in this Province of Persons Divulging ffalse News
p. 48 which may putt the Province into great Alarms and hopes the members of this Board will Stand by him in Punishing Such Offenders upon discovery of them To which the Gentlemen of the Councill do say that they will stand by his Excellency to the Utmost of their Powers in Preventing and Punishing such Evills & desire of ffair Proof of any such thing his Excellency will be Pleased to Secure the Offenders.

Read the Petition of Captain Richard Hill praying Liberty to Shipp off twenty two hogsheads of Tobacco to Barbadoes

without paying the Duty of one peny ꝑ pound he having lost Lib. C. B.
so much in a Sloope going out of this Province which being read & Debated it is Answered that this Board do not thinke it within the Verge of their power to Grant the Petitioners request there being an Act of Parliament of the Kingdom of England whereby the Duty of one peny ꝑ pound on Tobacco is given to the Use of the Colledge in Virginia which Act is so Positive that it is the Opinion of this Boarde the Petitioner remains without Remedy here.

Ordered that the Iustices of the lower Countys Inquire what Pilots are resident within their Precincts and call thein before them to give good Security upon the first alarme to make the best of their Way to land by Annapolis. p. 49

Thursday May 23d 1706.

Councill Sate

Resolved the Shipps be all cleared to go to Puttuxent when ready to Sayle but that their Severall Clearances be left with the Custome house Officers not to be deliverd the Comanders untill they Shall receive his Excellencys Direction so to doe.

His Excellency acquaints the board that Complaint has been made to him on behalf of Divers Indians liveing in Charles County that a Tomb wherein an Indian Queen is buried has been broke open & robbd & divers goods of a Considerable value Stolen thence by Englishmen and women living Contiguous to the Indian land. He desires to have the opinion of the board therein what they thinke most proper to be done for the relief of the Complainants.

Advised & Ordered that Strickt inquiry be made after the Offenders & that upon their being taken they be bound over to the next Provinciall Court there to be prosecuted according to the utmost Severity of the Law.

His Excellency asking the Advice of the board what Sort of acquittance the Coll of the Severall Countys ought to give p. 50
for the Arms put into their hands out of the publiq Magazine by his Excellency for the Countrys Service

Advised & ordered that from hence forward the Person Appointed to keep the Magazine at Annapolis by his Excellency do take of each Coll upon Delivering out any Arms a receipt thereof in Manner following viz.

May 20th 1706.

Then Received by me A: B: from his Excellency or the keeper of her Majtys Magazine at Annapolis these Severall

Lib. C. B. Arms and Amunition viz. (ent. the Arms) and do by these presents Oblige my self my heires Ex^{rs} & Adm^{rs} to be Accountable therefore unto her Majesty her heires and Successors so often as shall be thereto required I Witness whereof I have hereunto Sett my hand & Affixed my Seale the Day & year above written.

p. 51 Att the Councill held at Annapolis Munday Septem^{br} 22^{d} 1706. Present

His Excellency the Governour

The hon^{rble} Thomas Tench Esq Robert Smith Esq Coll John Hamond Coll Edward Lloyd James Sanders Esq William Coursey.

His Excellency acquaints the Board that having Severall weighty Matters to lay before them for her Majestys Service in as much as he is not yett recovered from his late long indisposition he hopes they will not take it Amiss if he has not put them in such regular Methods as they should be.

And first his Excellency is Pleased to take Notice of her Majestys Royall Instructions for the building Goales &c and how Often the Insufficiency of the Goale at Annapolis had been represented, Whereupon with the Advice of the hon^{rble} Councill he had caused it to be amended & Strengthned Which Maj^{r} Josiah Wilson had undertaken and Performed The Board do say that it was very Requisite & approving thereof referr'd Maj^{r} Wilson to the Comittee for laying the Publiq Levy for payment, And Coll Hamond Desired to give them Satisfaction therein.

His Excellency was Pleased to produce a Letter from S^{r}
p. 52 Thomas Laurence Barro^{t} Secretary of this Province of the fourth of ffeb^{ry} wherein he much reflected upon his Excellencys Iustice and kindness to him here intimateing that his said Excellency had put many Difficultys upon him as Obliging to give an unreasonable Security to William Bladen for the Payment of a Taylors Bill as he is Pleased to Terme it with Interest equall to the Principall. Whereupon the Boarde considering the said Letter & unjust Reflections make the ffollowing Representation Wee are truly Sencible that in this Perticular Sr Thomas Laurence makes a very ungratefull Returne, for his said Excellencys Interposition if it may be so called in that matter Since it was altogether in his Favour, for the further Confirmation whereof Mr Bladens Declaration. As to Sr Thomas Laurence Reflection that his Excellency & her Majestys Councill here by Order of Councill had putt the

said Bladen an Attorney retayned against him into the Pos- Lib. C. B.
session of all his ffees & pquisites of Office It is only to make a coulourable pretence of some hardship done to Sr Thomas when indeede there is not any, as may appear by the Minutes in Councill of the 7th of December 1704. When the Councill being inform'd of the Death of Coll William Dent whome p. 53
Sr Thomas Laurence had left his attorney here, did inquire Who tooke Care of Sr Thomas's concerns. And being made Sencible that Sr Thomas Laurence had made over and assigned all the ffees Perquisites and Proffits of his Secretarys Office to William Bladen for the Satisfaction & payment of two hundred & fifty pounds Ster & 15293^ls^ Tobacco did thinke the Said William Bladen the Properest Person to take Care of such ffees, And whereas it was absolutely Necessary that the said Sr Thomas Laurence's Clarks who mannage the Office and the Deputy Secretary should be paid their respective Sallarys, It was Ordered that the Said Bladen should take Care and see them paid out of Sr Thomas's ffees Which wee hope all Reasonable men will aprove of without observing the least Shadow of Disrespect to Sr Thomas Laurence therein not being in the least conscious to our Selves thereof.

Whereas Sr Thomas Laurence in his Letter to his Excellency seems to retorte that his Ex^ncy^ had wrote him the Bill imposing fynes for Ordinary Lycences was not a Possitive Law but only Petitionary which his Said Excellency had so proposed on purpose out of a true reguarde to the said Sr Thomas's Interest, Yet he finds the Said Law to be Positive as well as the Rest, and for want of his Said Excellencys p. 54
Reasons sent with the Law he is like to be Stript of two years Profitt of that Branch of his Office Wee very well remember how Tender his Excellency was of Sr Thomas Lawrence her Majestys Secretarys Interest therein thō it was Strongly asserted that the Said Secretary had no right thereto and are assured that his Said Excellency did Propose the Said Law should be Petitionary to the end to give Sr Thomas a better handle to make his Pretentions Appear before her most Sacred Majesty in Councill, and in Case his Excellency had not then agree to the Bill as Proposed yett Sr Thomas Could not reap any benefitt for that the former Act of Assembly for levying those fines having been a temporary Law & Expired there there was no power to receive those Lycences Vested in any Person Wherefore this Article is also a very unjust & groundless Charge against his Said Excellency the Governour who is thus unhandsomely rewarded for his ffavour and ffriendship to Sr Thomas.

Sr Thomas Laurences Complaint that the Searches in the Land Office were cut off to one Moyety & other ffees abridged

Lib. C. B. to the Value of Seven Thousand pounds of Tobacco yearly
p. 55 is not altogether true thō Sr Thomas has Some Ground for the Suggestion. It's true The ffees of Searches are altered having formerly been four pounds of Tobacco ꝑ Annum but now four pounds of Tobacco for every year within the first five years & two pounds of Tobacco for every year after And two or three other ffees conceived too Excessive by the Generall Assembly are Somewhat retrenched not but that there is Still a reasonable reward for those Services to be done by the Secretarys Clarks and had not his Excellcy tho he declared it to be against his inclinations, and this Board Agreed thereto the Secretarys ffees for want of An Act of Assembly the former having been Temporary and Expired would have been as Precarious as the Ordinary Lycences were for near two years when for want of a Law there was no Authority to Collect them.

Whereas Sr Thomas Laurence Says that among other hardshipps his said Excellency had done him he is Sorry to find his said Excellency had consented to an Address of the Assembly to her Majesty to take away the Record of the Land Office out of the Secretarys Custody to be placed with the Lord Baltemores Officers on certain Conditions. Wee do Solemnly Declare that Wee know of no Such Address neither did wee ever hear of any Such proposiall made to his Excellency or this Board to that end or purpose And having made
p. 56 Diligent Inquiry Do find by the Declaration and Oath of Mr Thomas Bordley Chief Clarke of the Secretarys Office that there never was any Such Transaction.

The Seals for Governr & Councill Provinciall Court & Twelve Countys were brought by Mr Evan Thomas & well approved off. And Ordered that he be allowed forty Shilling for each Seale to be paid by the publiq & recomended to the Comittee for allowance.

Also Order that the sd Seals be used in the Councill Provll & County Courts

His Excellency acquaints the Board he had Sent the old Great Seale by Mr Evan Evans to Coll Blakiston our Agent to be Delivered to the Boarde of Trade &c. And Shewed the following Receipt.

Maryland Towne & Port of Annapolis

Memorandum that this Day to witt the 14th day of August 1706. I received of his Excellency John Seymour Esq Capt Generall and Governr in Cheif of this Province Two peices of Silver Plate The one Cutt or engraved with the Arms of England & his late Majesty the other with a Cypher Wm & Mary Rex & Reginia heretofore used as the Great Seale of this Province which I

Do promise upon my Safe arrivall in England (God willing) Lib. C. B.
to Deliver to Coll Nathaniell Blakiston Agent for the Province of Maryland in order to Carry to their Lordshipps the Lords of Trade & Plantations & to take Coll Blakistons Receipt therefore. Evan Evans.

Whereas their Lordships the R^t hon^rble the Lords of Trade and Plantations require to know by what Authority his Ex^ncy had Sent Benjamine Celie Humpherye Hernaman to Barbados.

Ordered that a Representation be drawne up Shewing the p. 57
reasons viz. the Act of Assembly for Transporting of Celie the Conviction of Hernaman & the Imprisonment ffees for which by the Law of this Province he was obliged to make Satisfaction by Service and the Advice & Concurrence of this Board to what his Excellency had done therein.

Mr Philemon Lloyd Secretary of Maryland his Petition read and allowed viz.

To his Excellency John Seymour Esq her Majestys Capt Generall & Governour in Chiefe over the Province of Maryland and the hon^rble the Councill.

The Petition of Philemon Lloyd at Present Appointed Secretary of the Province of Maryland Humbly Sheweth.

That whereas by an Act of Assembly made at a Sessions of Assembly held at the Port & Towne of Annapolis the 28th Day of June in the year of our Lord 1699 Entituled an Act for Limitation of Officers ffees it was there Enacted that the Clarke of the Provinciall Court among other Enumerated ffees, might Charge Eight pounds of Tobacco for Drawing any Proceeding of Court, not otherwise rated not Exceeding half a Side of a leaf. And by one other Act of Assembly made at the Port and Towne of Annapolis the 5th day of December 1704 in like manner Entituld An Act for ascertaining Officers ffees it was Enacted that the Said Clarke of the p. 58
Provinciall Court might Charge Eight pounds of Tobacco for Drawing any Proceeding of that Court if it Exceeded half a Side of a Leaf here may it Please your Excellency the Negative not Inserted in the Same Article of the fformer recited Act of Assembly is omitted & left out; by which means the Clarke is withheld from Charging anything for a great part of the Proceedings of that Court to the great Detriment of the Secretarys Office & forasmuch as it Appears manifestly to be a mistake of the Transcriber & in no wise the Intent of the Assembly to Oblige the Clarke to those Services Ex-Officio, I do in most humble manner apply my Self to your Excellency & this hon^rble Board for Releif in the premises.

Lib. C. B. Now may it please your Excellency alltho the letter of the Law be that the Clark may Charge Eight pounds of Tob° for Drawing any Proceedings of Co'r if it Exceed half a Side of a leafe Yet I humbly conceive this to be a mistake of the Transcriber & that by inadventency he hath Omitted to Incert the Negitive not; as it is in the Same Article in the Said recited Act of Assembly expressed & incerted: that is to Say not exceeding half a Side of a leaf & that this mistake of the
p. 59 Transcriber is Obvious both the Nature of the Thing & the Subsequent Article in the Same list of ffees do Evidently demonstrate for in the Tax Sett upon the next Article the Clarke is allowed to Charge 16 pounds of Tobacco for drawing any Proceeding if it be above half a Side. Now the Exceeding half a Side of a leaf & the being above half a Side, are in themselves Synonimous Terms & Signifye the Same thing so that I humbly conceive the Assembly intended to give the Clarke the Same ffee for the Article complained of was given him by the former receited Act of Assembly & that the Article ought to have been 8 pounds of Tobacco for all proceedings that did not exceed half a Side of a leaf & Double that is to Say Sixteen pounds of Tobacco for all proceeding above half a Side & not two Severall ffees for one & the Same Service as it now Stands rated by Act of Assembly.

I must begg leave further to offer to your Excellency that whereas in the fformer recited Act of Assembly the Clarke was allowed 40 pounds of Tob° for the continuance of every Bill in Chancery but by the late law for ascertaining Officers Fees the Secretary is allowed onely 4 pounds of Tobacco for the Same Service; which I likewise humbly conceive to be a mistake of the Transcriber for it Seems unreasonable to Imagine that the Act of Assembly afore recited Should reduce
p. 60 to 4 pounds of Tobacco that Service wch the fformer Assembly thought worth 40 pounds of Tobacco but I am of Opinion that they intended it to be 40 pounds of Tobacco as before, & that the Transcriber Omitted to Place a Cypher after the figure of 4 which would have made it 40 I would not have Persumed to offer my owne Oppinion in this to your Excellency & this hon^rble^ Board if there did not appear matter of ffact, allmost of the Same Nature in the Same Act of Assembly: and that in another Article of the Secretarys Fees, wherein it is Said for every Execution and returne and Blank left for the Sum which in the former Act for Assertaining Officers Fees was 28 pounds of Tobacco.

Now may it please your Excellency for as much as the Transcriber of the Act hath wholly omitted to put any rate upon one Article, it Seems a just consequence to infer that he hath Comitted the like error of inadvettency in the Value-

ation of the fformer Article being attended with such Circum- Lib. C. B.
stances as are Before alledged in both which Articles of ffees I sue for relief to your Excellency & this hon[rble] Board

What I have further to Offer to your Excellency and this hon[rble] Board is of a different Nature; and therefore crave the p. 61
liberty to your Excellency that by a certain Clause in the afore recited Act of Assembly, for ascertaining Officers ffees, Your Excellency and this hon[rble] Board impower'd to rate and value the Services of the Officers, not in the said Act rated and valued in these words & is further provided that if any ffees for any matter or thing whatsoever hereafter to be done belonging to the Office aforesaid by the Governour and Councill so allowed and adjudged and not in this Act mention'd Limitted allowed & Adjudged, it shall be Lawfull for such Officer to have such ffee or ffees as the Said Governour & Councill for the time being shall adjudge and allow off, & no more, And now may it please your Excellency for as much as Some Service w[ch] the Clerke of the Provinciall Court is Obliged to do, are not by the Said Act of Assembly rated & valued I humbly Pray your Excellency & this hon[rble] Board that the Said Clk of the Provinciall Court may be allowed to Charge, what your Excellency & this hon[rble] Board in your great Wisdom shall think he Deserves for the Services ffollowing viz.

Imp[rs] for every Oath taken in Court for which the Cryer of the Same Court hath allowed him 12[l] of Tob[o] & the Clerke of every County Court Six pounds of Tobacco.

2[dly] ffor all probatts of Acc[ts] taken in open Court for which the Clerk of every County Court are allow'd 8 pounds of Tobacco.

The Premises above being duly considered I hope your p. 62
Excellency & this hon[rble] Board will relieve me in what is above Suggested & Your Pet[r] as in Duty Bound shall ever Pray.

The above Petition being read & considered,

Ordered that the Secretary take

	lbs Tobo
For every Oath taken in Court - - - -	8
For Probate of Accounts in Open Court - -	8
For every Execution and returne allow'd - -	28
For every matter not exceeding half a Side the Law having given no ffee therefore allowed to take until the Next Assembly - -	8

Then was read the Report of the R[t] hon[rble] the Lords of Trade &c and her Majestys Order in Councill that the Law for the Suspending the Prosecution of Romish Priests should

Lib. C. B. be reenacted Declaring the Same to be in fforce untill her Ma^{tys} Pleasure knowne.

Whereupon his Excellency asks the Board if they think it Advisable to call the Assembly at this time to lay this Matter before them to which the Board do say they think not, being a very busye time in getting in the Cropps & for that the last Law Suspending will not determine untill the next year, when there will be occasion for an Assembly at which time this Matter may be laid before them & Provided for.

p. 63 His Excellency acquaints the Board that he had receiv'd her Ma^{tys} Directions for Regulating the Courts of Justice in this province as suitable as may be to the practice and Constitution of England, And that there be four Itinerant Justices go Circuits & one of the Councill to preside: And whereas this matter must be recomēnded to the next Session of Assembly on their Meeting propose whether it may not be convenient to have a Consultation of the following Gentlemen vizt Robert Smith Esqr Lt Col Wm Holland & Kenelm Cheseldyn Esqr of the hon^{ble} her Ma^{tys} Councill; Colonel Thomas Smithson & Col Thomas Smith Justices of the Provincial Court William Bladen Attorney General, George Plater Esqr & Cornelius White Gent. Att^{r}nys of the provincial Court, to propose Some Method and Draw a Scheme thereof. The Board do say they believe it very proper to have such Consultation and desire his Ex^{llncy} will require the said Gent^{n} to meete at Annapolis the third day of October next then & there to consult and advise thereon.

His Ex^{ncy} acquaints the Board that the R^{t} hon^{ble} their Lordships the Lords of Trade and plantations had Signifyed to
p. 64 him her Ma^{tys} Royall pleasure, that she had been pleasd to approve of his proposall in Relation to Mr Bladen to be her Attorney Genl of this province at the Sallary of One hundred pounds ꝑ Annum.

His Ex^{ncy} acquaints the Board that their Lordships the Lords of Trade & Plansacōns had directed him to recomēnd to the Assembly that the Quakers in this Province should be obliged to contribute to the Charge of the Militia here, which he intended the next Session.

His Ex^{ncy} also acquaints the Board that Colonel Blakiston Agent for this Province had purchased and Sent in One hundred Musquetts fifty Carabines and two Halberts.

And now His Ex^{ncy} was pleased to aske the Advice of the Board to what tyme they thinke it may be convenient at p^{r}sent further to prorogue the Assembly. And they advise his Ex^{ncy} to the 25th of Novemb: next.

After which being askt if they had any thing further at p^{r}sent to offer for her Ma^{tys} Service. They Say not.

Maryland ss Lib. C. B. p. 65

Att a Councill held at the Towne and port of Annapolis in Ann Arundell County the 21st day of Febry in the fourth year of the Reigne of our Sovereigne Lady Anne of England Scotland France and Ireland and the Dominions thereunto belonging Queen Defender of the ffaith &c. Annoq Dni 1706/7

Present in Councill

His Excellency John Seymour Esqr her Majesty Capt Generall and Governour in Cheif in and over this her Majestys Province &ca

It having been represented to his Excy by the Reverend Mr Robert Keith and Mr Alexander Adams Ministers in Somersett County that upon the Application of one Mr George Mcnishes a Dissenting teacher there to have a Certain Meeting house lately Erected very nigh to the Church at Rehobeth Registered as the Law Directs such houses to be that also the said Mr Keith and Mr Adams, had moved that County Court not to Suffer the same, for that it might be of Disturbance to the Church Established by Law there but to referr the whole Matter to his Excellcy the Governr and her Majestys honble Councill.

His Excellency now laying the Same before the board. It is thereupon Advised and ordered that there be no Meeting houses built within less than a Mile of any Established Church allready built And that an Account of what are, p. 66 already built be given to the County Court who are to transmit to his Excellency an Account thereof and that before any more be built his Excy be Acquainted therewith and where Scituate.

[Commissary's Commission.] Lib. H. D.

Henricus ꝑmissione Divinâ London. Epus Dcto nobis in Christo Henrico Hall Cler. Saltm in Dno. Cum nobis ꝑ munere quo fungimur Episcopali incumbat ut inter eos qui nræ curæ cõmittantur quantum in Nobis est Christiana Religio tuta conservetur, pravi mores corrigantur, et lites et querele quæ ad Forum Ecclesiasticum Spectant juxta Leges Regni Angliæ, Canones Ecclesie Anglicane et juris Exigentiam rite decidantur. Te Henricum Hall Cler ꝑdctum cujus Scientie et probitati plurimum confidimus Cõmissarium nrm. in et ꝑ totam provinciam de Maryland Nræ jurisdictionis in America Sitam Facimus et Constituimus per presentes; Et concedimus Tibi potestatem omnia & singula faciendi, que de jure vel consuetudine fieri possint aut debeant, Censuras Ecclesi-

Lib. H. D. asticas & facti qualitate infligendo remittendoq, una cum potestate Surrogatum vel Surrogatos constituendi quoties tibi p Valetudinem adversam vel alia abesse contigerit Exceptis tamen Semper Insinuatione sive Approbatione Testamentor & ultimarum Voluntatum, Concessione Adm'acōnes Bonorum ab Intestato decedentium et facultatibus & Bannis Matrimonialibus omittendis, Necnon Collatione Sive Institutione ad Beneficia cum Cura Animarum.

In Quor omnium et Singulorum Fidem et Testamonium has presentes Lrās Nrās testimoniales fieri et Sigillo nrō Episcopali munire fecimus Dat decimo die Mensis Martij Anno Dni (juxta Stilum Anglicanum) Milessimo Septingentesimo Septimo, Nreq Translationis Anno tricesimo Tertio

H London

Memd

Mr Francis Maccemie had a copy of the above order.

Lib. C. B. Att a Councill held at the Towne & port of Annapolis Aprill 5th 1707.

Present His Excy in Councill.

Came the Reverend Mr Robert Keith and Mr Alexander Adams with M^r M^ccemie a Dessenting Minister And the said M^r M^ccemie on behalf of himself and others of his Comunion complains of their Liberty being infringed by a Certain order of Councill prohibitting their building a meeting house within less then half a Mile of any Established Church already built Whereupon both partys being heard before his Excellency the Govern^r in Councill and it appearing that the Meeting house of Rehoboth in Somersett County is allready Erected on M^r M^ccemies owne proper Lands. It is advised that this Matter be laid before the R^t honble & R^t Reverend the Lord Bishop of London for his Decision and Advice and that in the mean time M^r M^ccemie be at libertye to preach in his house according to the Tolleration.

p. 67 Maryland ss.

Att a Councill held at Annapolis the 16th day of Iuly in the Sixth year of her Majestys Reigne &c Annoq Dni 1707.

His Ex^ncy Iohn Seymour Esq Capt Gen^ll and Governour in Chief of this her Majestys Province being present in Councill.

Mr Richard Iohns and Mr Saml Chew on behalf of the people in this province called Quakers presented to his Excellency the following Address. Lib. C. B.

To Coll John Seymour Governour of the Province of Maryland.

The humble Address of the peaceable people called Quakers Given forth at their monthly meeting at West River in the said province the Eleaventh day of the fifth month 1707.

In Submissive manner Sheweth that they having seen a Written paper which began after the following manner (Viz) Friend Seymour &ca and by an ill Imitation of the words the or thou or would seem to faine the person or Stile of a Quaker which said paper and the hidden Author thereof we utterly disowne and deny and are fully assured in our minds that notwithstanding the fained Imitation of a Quaker in Some words, the Author thereof neither is or ever was of our Society or owned by us as such, for it hath not in it the Image of that Inocent Harmless and peaceable truth of our Lord Jesus Christ which we profess and believe in. But is Rather a Scurrilous Libell tending to Affront Authority a practice as remote from our principall & practice as the East is from the West, and we have Reason to believe that hidden Author of the said Libell is some evill minded person that Endeavours by ill practice to render us the peacable people called Quakers obnoxtious to this Civill & Moderate Government from whom we freely and readily acknowledge wee have and do receive obligatory kindness, perticularly in its protecting of us in the peaceable enjoyment of our Concientious Liberty in Relation to the Worship of Almighty God and also in the full and free Enjoyment of the Laws and Libertys of English Subjects, and we humbly take Liberty to declare that that person (Clark) named in the said Written paper, and now an outlaw in Rebellion agt the Government we believe is a wicked and ungodly person and all his Actions which have been and are continued to be Villeanious abusive and Rebelious against the peaceable Government of this province, and all his Confederates Aiders Assisters and abetters therein, we doe from our hearts deny disowne detest Abhorr and abominate, And it is altogether repugnant to the thought Intent and purpose of our hearts to concerne our Selves Either on his or his wifes Account any way but truly and heartily desires that he and all his Confederates in wickedness and Rebellion may be brought to Iustice p. 68

And this wee have given forth in true Sencerity for the Clearing of the truth of God which wee profess from Scandalls & all Scandalous & Rebellious persons and practices. p. 69

Lib. C. B. Signed by Appointment of our Said Meeting and in the behalf of the people called Quakers In the province of Maryland.

Richd Iohns	Neh: Birckhead
Richd Harrison	Sam^{ll} Galloway
Sam^{ll} Chew	M Moore.

Which being read his Ex^{ncy} received them very kindly And together with the board was pleased to declare that they had observed the said Society of people called Quakers to be very peaceable and quiett and well Affected to this her Majestys Government Especially Since her Majestys happy Accession to the Throne and that perticularly on this Occasion they had Expressed themselves to the great Satisfaction of his Excellency and this Board And therefore Assured them of her Majestyes Gracious protection dureing such their peaceable and dutifull behaviour.

Att a Councill held at Annapolis July 17th 1707

Present

His Ex^{ncy} the Governour

The honble Thomas Tench Esq Coll John Hamond Coll Edward Lloyd Coll Wm Holland Mr Kenelm Cheseldyn Coll Thomas Ennalls and Mr Wm Coursey.

Mr Thomas Docwra came & declared before his Ex^{ncy} the Governour and Councill that being in bed on Saturday night
p. 70 the 5th Instant about Tenn of the Clock Major Wilson the Sherriff of the County Sent to him & desire him to bring a Couple of men with him which he did and found Mr Bruff and his wife & Mr Orrell and his wife there and the people seemed much afraid. Major Wilson desired him to take his Boate and go over to Mr Joseph Hills plantation and know the meaning of the Gunns being fired Which he did and found Mr Hill very Drunk to whome he told the Sherriff had sent him to know the meaning of Severall Gunns fired there which had allarmed the Towne. Mr Hill Answered they were Merry had been Training and fired them for their pleasure and what was it to any body he would fire more against which the said Docwra diswaded him Nevertheless the said Hill opened a Trunck & took out two pistolls. And as this Declarant believes fired them off for that this declarant heard the report of two pistolls or other fire Armes Imediatly after.

Whereupon his Ex^{ncy} and the Boarde resenting Mr Joseph Hills presumtious behaviour in fireing so many Gunns in the

night Whereby his Ex^{ncy} The Guarde & all the Inhabitants Lib. C. B.
of this Towne were alarmed and the Sherriff obliged to send
a Boate and hands to know the reason. And Notwithstanding that the Said Hill was advised by Mr Thomas Docwra
sent to him by the Sherriff to desist fireing any more, he would
not take any Notice thereof, but fired Severall more Saying p. 71
he did it for his pleasure and what was it to any Body this
Boarde do take it to have been in Contempt of the Government and to Affront his Excellency the Governour. And
thereupon do order that Major Josiah Wilson High Sherriff
of Ann Arundell County do go to the said Mr Hills House
and Search the Same and take away all the Armes he shall
find there and deliver them to Capt Iohn Young Master Gunner
and Store keeper of her Maj^{tys} Magazine in the Towne and
port of Annapolis to be there Secured untill his Ex^{ncy} and this
Boarde shall have better Assurance of Mr Hills behaviour.

Ordered likewise that Mr Hill be Somoned to appear
imediately before the Board to Ans^{r} his Contempt.

Mr Cheseldyn acquaints his Ex^{ncy} that the Chaptico Indians
had lately been with him and that old Robin who managed
for the Queen being very aged and not careing further to
trouble himself with that Government and the Queen herself
not able to rule them they had unanimously chosen Robin
Montague to Govern them as their King untill the two Young
princes should Come to age and desired him to obtain his
Excellencys permission he should so. His Ex^{ncy} with the
Advice of the Boarde was pleased to aprove thereof and
Ordered the said Mr Cheseldyn to acquaint the said Indians
that he consented thereto.

Sundry Letters Examinations & Depositions Warrants and p. 72
returnes being Reade at the Boarde against Samuel Marke
& Isaack Marrett and Joseph Tompson it fell under the Consideration of the Boarde in what maner the best Satisfaction
should be given the Nanticoke Indians upon the late Roberry
by the said Mallett and others of their Quiacosan house. And
the board do resolve that it will be great Satisfaction to the
Indians to be present at the tryall and therefore think it not
convenient to have the Said prisoners Tryed untill the said
Indians can have Notice and be present.

Coll John Hamond & Coll Edward Lloyd appointed each
of them Major Generalls to Comand the Militia the one of the
Westerne & the other of the Easterne Shore And the said
Comissions being prepared His Ex^{ncy} Signed them and gave
them to the said Gent^{n} being then at the Councill Board telling
them he hoped they would so well discharge the Trust in
them reposed That he Expected he should find great Ease
and Satisfaction.

Lib. C. B. Mr Joseph Hill appearing before the board acquainted his Ex^ncy that he had been takeing up a Wild Horse and had got Some of the neighbours who had been training to assist him that had rid hard and having Dranke untill they were very Merry, one of the people fired a Gunn but really they had no thought of the Guard or giving any alarm to the Towne and Since it has so happened is heartily Sorry for
p. 73 it and declares it was not with any designe to give any Affront to the Government And then withdrew. His Ex^ncy was pleased upon Mr Hills Submission tho his ill temper be well known to Suspend any further Resentment at this time.

His Ex^ncy and the Boarde takeing into their Consideration in what methode to Settle Itinerant Iustices The Attorney Generall Mr Charles Carroll Mr Wornall Hunt Barristers & Mr George Plater and Mr Cornelius White Attorneys at Law being present,

1st Resolved That the Number of Justices of the Provinciall Court be reduced to four such Gent^n as his Excellency shall thinke fitt to appoint of the most proper and discreet persons Freeholders within this province and that they be thereto Comissionated under the Greate Seale of this her Majestys Province & to hold four Courts or Termes at Annapolis Anually.

2dly That these four Judges have likewise Comissions of Assize and Goale delivery, & go the Westerne and Easterne Circuits twice in every Year to take the Verdicts of Iuro^rs and deliver the Severall County Goales.

3dly That process Issue out of and returnable to, & all pleadings be filed and Issues made up in the provinciall Court Tryable there the next Terme Nisi Justiciarij & prius &c. And in Case one other Terme should intervene before
p. 74 the Assizes after such Issue is made up, that there be an Entry made of Course (to Continue the Cause) of a Venire facias Iur. &c to the next Terme but that Ven: nihil facit nec misit Bre p^rdict. Ideo Ven &c Awarded to the next Subsequent Terme, nisi prius &c and this in all Causes (tho not to be made out or Executed, but that the Iuro^rs come to the Barr as now practised in the provinciall Court.

4^thly That the Record of all such Issues not Tryable at Barr but at the assizes be made up compleated and Sealed under the Seale of the Provinciall Court; ready to be broke open upon calling the Cause at the Assizes as sett downe in its due Course And that there be a Clark of the Assizes appointed to go with the Iustices in the Circuites of the Westerne & Easterne Shoares to Endorse the Postea on the Back of the Record (Viz.) the taking the Verdict of the

Iuro[rs] or Default at the Assizes and to returne the same under the Iudges Seale to the Provinciall Court there to be Entred of Record, and in order to have Iudgm[t] either awarded or arrested on such Verdicts. Lib. C. B.

5[thly] That all Iudgments by Defaulte be Entred of Course and those by Verdict likewise by the Clark of the Provinciall Court unless Six days Notice be given to the party or Attorney of the Defendants Intent to move within two days of the first next Terme in a rest of Iudgm[t] And that no motion in arrest of Iudgment be received at Barr unless such due Notice thereof be proved upon Oath to be before one of the Iudges.

6[thly] That all matters of Law Pleas in Abatem[t] Estoppells Demurrers appeales and Writts of Error be argued and heard at Barr and not at the Assizes unless in Criminall Matters; wherein Exceptions to Indictments may be Allowed to be heard, and that the practice be as Consonant as may be to that of the Kingdom of England. P. 75

7[thly] Except arguing of Exceptions to Indictm[ts] & moving in arrest of Iudgm[ts] thereon.

That Rules of practice be advised and agreed on by the said Judges and practition[rs] to be prepared and presented to his Ex[ncy] the Governour and Councill in Assembly for Confirmation.

8[thly] That the Termes be held at Annapolis the first day of Aprill the fifteen of Iune the Tenth of September and the first of November yearly, And that the Assizes be begun and held the first of May and first of October unless Sundays and Continue untill all the bussiness be Compleated.

9[thly] That the Assembly will Seriously consider of this her Majestys most gracious and Indulgent Condiscension and by some Law Settle an Annuall Sallary upon such Iudges to be appointed and Comissionated by his Ex[ncy] the Governour of the fittest and discreetest persons of this province Allways Freeholders and Inhabitants of and within the Same; which Sallary cannot be less then one hundred pounds ꝑ Annum besides their Travelling Charges to be borne by the Severall Countys.

[Seal of Maryland.]

Governor of Maryland to Mr. Popple Secy.

In obedience to their Lordships Comands signified by your letter dated the 28' of July 1705 which I rec'd not till the tenth of February 1705/6 I have sent the old Seale of this Province by the Reverend Mr. Evans Minister of Philadelphia to Coll. Blakistone our Agent, who I presume will Deliver P. R. O.

P. R. O. it Safe to the Rt. Honble. the Lords Comrs. for Trade & Foreign Plantations according to their Lordships Directions in yours to me. Sooner I could not send it with any Likelihood of Safety, and remain with very true respect Sr.

Your most obliged humble Servt.

Jno Seymour.

Maryland August 15", 1706.

Mr. Popple.

Endorsed—Letter from Col. Seymour to the Secretary Transmitting the old Seal of Maryland—Broken

Public Record Office London

B. T. Maryland 5 H 10–

Lib. C. B. p. 76

Att a Councill held at the Towne and port of Annapolis Fryday Iuly 18th 1707.

Present as Yesterday.

Silvester Welch and Aron Rawlings appearing before the Boarde. Silvester Welch Acquaints his Excncy Aron Rawlings told him he was lett out to be an Evidence for the Queen. Aron Rawlings Says its true he did tell Capt Welch so And Says that Mahitable Holland told him She understood it came from Thomas Reading that the said Welch was lett out to be an Evidence for the Queen.

But Mrs Mahitable Holland not being to be had before the board at this present they desire his Excncy will inquire thereinto.

Capt Welch again called in Says last Sunday night about tenn of the Clock in Iohn Iacobs pasture he mett Richard Clarke upon a Lusty Gray Horse and called to him Clarke bid him stand off Clarke had a pistoll Stuffd within his Iackett on his left Side a naked Rapier hanging on his wrist & a good lusty Stick: Welch Asked if he might not come up and Shake hands with him he told him not and would not lett him Come near him.

Clark told him the Councill was to Sitt on the Wednessday next and that he the said Welch was to be there Welch asked who told him so Clark Answered he had ffriends Enough Seemed very Shye of the Declarant. And believes he had been informed of the Declarants Intention.

Welch askt Clark if he would not come to his house he said
p. 77 no askt him if he would not give him a Meeting he promised he would as of this night in a thickett of Woods near that place but the noise of Some body coming by Affrighted him

and thereupon he imediately Sprong away and he has never since seen him. Believes the horse Clarke was upon was Benj[a] Belts who is overseer at M[r] Taylors Quarter, And knows not but Clarke may be harboured there. Lib. C. B.

Advised that Silvester Welch give the Said Clark a Meeting this night and giving his Ex[ncy] an Account thereof to morrow Morning.

His Ex[ncy] Asks the boarde if they think it fitting the Guarde should be discharged from the Magazine and prison.

To which the boarde do say it would be very unreasonable at this time upon so many Informations of Richard Clarks ill practices & threats And therefore Advise his Ex[ncy] that the said Guarde be continued as thought absolutely necessary for the Security of the Country.

Then was read the report about S[t] Marys County Court house & order thereon as follows Viz.

S[t] Marys County.

May it please Your Excellency

By Virtue of an Order of Your Ex[ncy] & Councill to us whose names are here under Subscribed to Meet and Consider what place in the County abovesaid is most proper for the Generall Conveniency of the Inhabitants to build a Court house upon for the use of the said County; That in Obedience to the Same wee have accordingly mett, & Waveing all perticular Interess, and respecting your good & honble Intentions in the Same, to witt, the Gen[ll] Ease and Conveniency of the Inhabitants of the County do Unanimously Agree and humbly present to Your Ex[ncy] that a Certain place commonly called Spriggs old Feilds in Beaver Damm Man[r] to be (in the best of Our Iudgments) the properest place to Answer the aforesaid Ends & Intentions it being the very Center of the County: In Wittness whereof wee have hereunto & Affixed our hands and Seales this 7th day of Iuly Anno: 1707. p. 78

Solomon Jones	Kenelm Cheseldyne
Sam[ll] Williamson	Henry Low
John Miller	V. Truman Greenfeild
Richard Vowler	Henry Peregrine Iowles.

By his Ex[ncy] the Gov[r] & Councill
July the 18th 1707.

The within Report being Read is not approved of: The place proposed for building the Court house being no Towne but an old ffeild four Miles from the Water But in Case the County agree to build a Court house on britains Bay on the

Lib. C. B. Land called Sheppards old Feilds: His Ex^{ncy} and this Boarde will give them all the Lawfull Authority in their power to make the Said place a Towne and Endeavour to have it Confirmed by next Assembly.

Signed p Ord^{r}
W Bladen Cl Concil

p. 79 The Lawyers being againe called before the board were askt if they had any further to Advise his Ex^{ncy} and this boarde As to the Settling the Itenerant Iustices or any Objections to the proposalls last night agreed on. Say they have not.

Whereupon the boarde approving thereof Advise his Ex^{ncy} to grant Comissions as proposed to be publish'd the next Provinciall Co^{r}t And hold the next Provinciall Court at Annapolis in September According to Adjournment the Terme in Aprill and the first Assizes in May next.

Mr George Muschamp Receiver of Potomack district made Oath to two Books Containing his whole Accounts of the Revenue Arising in that district.

Mr George Plater having very often sent his Servants and horses up to Town with publick Letters to his Ex^{ncy} for Severall Years. The board taking Notice thereof Resolve he be gratified therefore. And Accordingly Ordered that he be paid fifteen pounds Sterling for those Services Since his Ex^{ncys} Accession to this Government.

Att a Councill held at Annapolis
Saturday Iuly 19th 1707

Present

His Ex^{ncy} the Govern^{r} Thomas Tench Esqr and Major Generall Iohn Hamond.

p. 80 Aron Rawlings appearing before his Ex^{ncy} in Councill Says he asking Sylvester Welch how he Came out of prison he told him he was Enforced to make all the friends he could to gett bayle.

Upon which Aron Rawlings Said he heard he was lett out upon Account of being the Queens Evidence And that Mrs Mahitabell Peirpoint acquainted him so. And that he understood from Thomas Reading

Silvester Welch being called Says Richd Clarke did not meèt him According to appointment.

The said Silvester Welch was told he must give ffresh Security for his appearance when called upon And had time to

provide them by Tuesday next at Tenn of the Clock in the Lib. C. B.
morning before his Ex^ncy^ & Coll Hamond

Then was read the following petition Viz.

Maryland ss

To his Excellency Iohn Seymour Esqr &c.

And to the honble Councill of this province

The humble petion of Richard Hill of Philadelphia Merch^t^

Humbly Sheweth that whereas yor pet^r^ about the month of October in the Year of our Lord one thousand seaven hundred and four. Shiped 22 hhd^s^ of Tobacco out of this province in the Sloope Amity for Barbados for which your peti^r^ paid the Duty of one penny ꝑ pound according to Law that the said Sloope was taken by the ffrench in her Voyage to Barbados whereby your peti^r^ lost all the said Tobacco. In Consideration whereof.

May it please yor Excellency & hon^rs^ to Grant unto your p. 81
petition^r^ Liberty to Ship the like quantity of Tobacco from this province to Barbados or Elsewhere in the West Indies free of the said Duty of one penny ꝑ pound.

And y^r^ pet^r^ will ever pray

His Excellency and this Boarde takeing Capt Hills request to be reasonable referr the pet^r^ to the Officers of her Majestys Customes to make their Report what may be legally done in Capt Hills ffavour. And in Case it may be Admitted his Excellency and the board are willing Capt Hill be allowed to Shipp of the same quantity of Tobacco free of the Dutys.

Att a Councill held at the Towne and port of Annapolis the p. 82
12th day of August in the Sixth year of her Majestys Reigne &c Annoq Dni 1707.

Present. His Excy the Governour

The honble Thomas Tench Esq President, Maj^r^ Gen^ll^ Iohn Hamond and Colonel William Holland } of her Ma^tys^ Councill.

Iohn Young Doorkeeper sworne not to reveale the Debates and Transactions of the Councill.

The Sherriff of Ann Arundell County brought Richard Snowden before his Excy and the Board And the said Snowden tould of his harbouring Entertaining and Concealing Richard Clarke in his house he says he is very sorry for it and

Lib. C. B. did not think to do any thing to the prejudice of the Government.

Ownes that Thomas Winters put Clarks Sayles in his house and acknowledges Richard Clarke was one morning at his house and he got up and Looked out and Saw Clarke to whom he said what does the do here, he Answered you have my Sayles and I am going to night. I owe you Tenn pounds here is a Warr^t askt him to Entertain him and having a rapier in his hand he rushed by him and runn by him up Staires and Severall wōmen came there but who they were he cannot say that Clarks wife came and told him that the Sloope was Seized
p. 83 He imediately rusht out and bad God bless them all and went away. Clarke told him that he was not out Lawed for that four Burgesses had not given their Consents Robert Tyler one Maj^r Greenberry another. Richard Snowden says that his father was in the house at the same time but knew nothing of Clarks being there for Some body ran up and desired them to be hush.

Says that Thomas Wintersell came to his house and brought the Sayles and told him dick Clarke was at the pailes. That Silvester Welch Advised him to keep it to himself and not discover any thing and one Evidence Could do him no harme.

Richard Snowden ordered to withdraw. And the Board having Considered of his Examination resolved he be Comitted for Treason.

Silvester Welch brought before his Excy and the Board Majo^r Gen^ll Hamōnd Charges him with Reporting that lett what will hapen to him he had a very Good Friend in the Councill that would lett him know of it before hand and discribed him to be such a person as the Major Gen^ll that wore his owne hair rode a white horse and Generally tooke up his Quarters at Mrs Freemans.

The Major Gen^ll Bids him acquitt himself like a man and if he had any reason for such Expectation now to declare it to his face and this Boarde. Silvester Welch denys that ever he had said any such thing.

His Excellency and the board tells Welch th^t they have
p. 84 Account of all his Vilanous Transactions and how Often he has harboured and abetted Richd Clarke and of his Coyning of Dolears and how he had entertained him and his Accomplices. And the Revelling at his house & fireing pistolls on St Stevens day last with Clark and Harrison when he broke the Cock of his pistoll and that when Iohn Welch and Thom Wintersell Came to his doore and knocked he tooke up his pistoll and Swore no Enemy to them should Come in alive. To all which the said Welch made no answer.

Then he was ordered to withdraw, And the board Resolved he be Comitted for high Treason. Lib. C. B.

Iohn Welch brought before his Excy & the board and Charged with Associateing with Richard Clarke last winter in Christmas last at his Brother Silvester Welches house together with Wintersell and Harrison and also for receiving him in his owne house in the night when said Clarke Came with Harrison the Last Winter

Silvester Welch being again Sent for denyed that ever Clarke or Harrison were at his house in Christmas Last.

Advised that Clarke Wife and his son Neale Clarke be released upon giving moderate bayle and assureance not to come near her husband or Converse with him but keep herself at her Brother Daniells, And that Assureance be given the boy shall not goe to him.

And Daniell Wells be Admitted to bayle giveing good Security. p. 85

Ordered that Notice be sent to the Justices of the Provinciall Court of that Comission being altered so that their attendance will not be necessary at the next Court

Mr Amos Garrett Called before the board is told he shall have his Servant William Stimpson delivered him out of prison if he will oblige himself The said Stimpson shall not disturbe the peace of the Country. Mr Garrett says he will not be obliged for his behaviour.

Att a Councill held the 30th of September 1707 p. 86

Present

His Excy the Govr

The honble Thomas Tench Esq Majr Genll John Hamond Majr Genll Lloyd	Coll Holland Coll Ennalls & Coll Coursey

His Excellency acquaints the board how much he resents the Neglect of the Sherriff of Ann Arundell County in Suffering the three Malletts who had robbed the Indian Tombes to Escape, and that he was resolved he should be prosecuted for his Carelessness, and desired their opinion whether upon Representing the Matter to the Iudges of the Provinciall Court it would not be Sufficient Ground for them to fine him therefore To which the board are of opinion that it will.

The ill behaviour of Severall Attorneys practiceing in the provinciall & County Courts of this province who often Endeavour to be very popular and independent of the Government falling under the Consideration of his Excy and this

Lib. C. B. board It was ordered as it is hereby ordered by his Excy & the whole Boarde Nemine Contradicente, Viz

Maryland ss

By his Excy the Governr & Councill

p. 87 Whereas we are Convinced by dayly Experience that her Majestys Subjects of this province Suffer Extreamly by the Corruption Ignorance and Extortion of Severall Attorneys Admitted to practice in the provinciall and County Courts without any Qualification of Honesty Experience or Learning in the Laws which may Entitle them to such practice whereby to the great Scandall of Iustice the Stirring up of Vexatious and Litigious Suites the Multiplying them to the private Lucre and Gaine only of such Corrupt practitionrs and to the unreasonable Expence of the publick as well as of private persons by senseless and insignificant brawles Repetitions & impertinent Cavills the time of the Courts is Consumed and taken up for the most part in trifles for prevention whereof and to the End tht none be Admitted as practitionrs in any of the said Courts but such as shall have a Competent share of Learning honesty and Experience (the Circumstances of the Country Considered) to recomend them to such practice, Wee have thought fitt for the Generall Good of her Majestys Subjects of this province aud toward a due & orderly Regulation of her Courts that no person whatsoever shall be Admitted to practice in any of her Majestys Courts within this province as Attorneys Except such as have been for some time members of some of the Inns of Courts or Chancery
p. 88 of her Majestys Kingdom of England untill they have privi-ously undergone an Examination of their Capacitys honesty and good behaviour before us and her Majestys honble Councill or her Majestys Governor & Councill for the time being and a Certificate of such Examination and allowance thereon had under the Councill Seale Attested by the Clarke and of this all her Matys Judges and Justices are to take Notice.

Signed ꝑ Ordr

W Bladen Cl Concil

His Excy Reminds the board that the Guarde kept at Annapolis is a Great Charge to the Country and whether it may be fitt to take them off or otherwise Lessen them The Boarde Nemine Contradicente advise that whereas Richard Clarke still Continues in these parts that it will not be Safe to dismiss the Guarde, however they may be Lessened to the Number of tenn the Comander and nine others.

The petition of Severall Masters of Ships now in this province was Read as follows Viz. Lib. C. B.

Maryland ss

To his Excy John Seymour Esq her Majestys Govr and Comander in Chief of the province of Maryland &c. and the honble her Majestys Councill.

The humble petition of Severall Masters of Ships Trading from England to this province p. 89

Most humbly Sheweth

That your pet^{rs} with their Severall Ships have Layne Some months under a Tedious Imbargoe, a Convoy from England which was advised to have been Ready to Sayle in Aprill last not being yett arrived or any the least assureance thereof, And now the winter Comeing on your peti^{rs} are very apprehensive of hard & Dangerous passages and the most of them being of the out ports and under Charter partys the own^{rs} of their Vessells not being Concerned in their Respective Ladings—if they are Detained here never so Long they can not Expect any other Satisfaction then their first Agreement wth the Respective Merchants, And if Yo^{r} pet^{rs} are not Admitted to Sayle but kept two months Longer they will not only Loose the Benefitt of the next Yeares Trade but Suffer far more than even when taken by the Comon Enemy Provided they could be Admitted to Ransom, thô Yo^{r} Excys petio^{rs} most of them being bound home North about are not any ways apprehensive of that Misfortune wch really a Convoy to the Lands End would not prevent. And whereas it is dayly Experienced that her Ma^{ty} has been Graciously pleased to Indulge her Subjects upon Application with her Leave to returne at pleasure from these provinces without being Imbargoed or Stoped for Convoy Wee humbly Begg your Excy & the honble Councills favorable Consideration thereof and p. 90
that you will be pleased to Reflect on Such her Majestys kind Inclinations and prevent the Ruine of our Severall Interests and Voyage by giving Directions for our Clearance

And &^{ca}

To which the Councill Say they are Sencible that the Substance of the petition is True & that their Case is very hard, Yet they will not Advise his Excy to Direct them to be Cleared unless the Trade in Virginia be also Admitted to Sayle thence, of which when his Excy is Certified they thinke it will not only be for her Ma^{tys} Interests but prevent the Ruin of the pet^{rs} Severall Voyages that they be also Admitted to Clear.

Lib. C. B. His Excy in Councill pursuant to former Resolves of this Board of Reduceing the Numb^{r} of Provinciall Justices having appointed the honble Thomas Smithson Esq Chief Justice & the honble Coll William Holland Coll Thomas Smith and Philemon Lloyd Esq Justices of the s^{d} Court the said Comissions being prepared under the Seale were Signed & delivered by his Excy to the Gent^{n} in Councill.

After which it was Resolved and Ordered that the Severall Gentlemen Late of the provinciall Court be inserted in the Comission of the peace with the honble her Majestys Councill and after them in their order as they were in the Late provinciall Comission

p. 91 Mr John Beale Clarke of the Provinciall Court made Oath before his Excy and this Board that he has Recorded and Examined the Laws made the last Session of Assembly.

Severall of the Attorneys of the provinciall Court Viz. William Bladen Wornell Hunt and Robert Gouldesborough came and Addressed his Excy and this Board Informing them they had seen their Order for regulating the Admission of practitioners of the Provinciall and County Courts.

And humbly desired they might be approved of and Admitted to practice the Law in the Severall Courts of this province. To which his Excy and this board readily agreed being pleased to Say that they had not the least objection to any of them and ordered Certificate of their Admittance should be made them under the Councill Seale. Which was accordingly done.

Mr Richard Dallam one of the practition^{rs} of the provinciall Court and of Calvert County Court appeared before the board, and prayed his Excy and the board that he might be Admitted to practice as formerly which was likewise Granted and Ordered that Certificate be made him accordingly.

Came Thomas Macnemara & preferred the following petition Viz.

p. 92 Maryland ss.

To his Excy the Govern^{r} and her Ma^{tys} honble Councill.

The humble petition of Thomas Macnemara Most humbly Sheweth.

That your petitioner has been above three years since Admitted an Attorney in her Majestys provinciall Court of this province and in Ann Arundell Calvert & prince Georges County Courts in which Courts Yo^{r} petitioner is Concerned in a great many Causes Ripe for Tryall that Yo^{r} pet^{r} finds that by the proclamation of this honble board he is not in a Capacity to plead in the Said Courts or to ffinish the Causes he is Concerned in without yor Excys & Your hon^{rs} Licence.

The premisses Considered may it please your Excy & hon^{rs} Lib. G. B.
to call yor pet^{r} before you in Order to his Examination about his Capacity, and to Admitt yor pet^{r} to plead in the said Courts haveing no other dependance or means to maintaine himself or family, Yo^{r} pet^{r} hereby promiseing a reformation of his former past behaviour. And as in duty bound he will pray.

His Excy and the Board Reflecting on the many misdemea- p. 93
nours the petition^{r} has been Guilty of and how often he had promised Reformation but had yett given so little proof thereof they Unanimously resolve he should not be Admitted to practice in any of her Majestys Courts in this province having often Contemned and Affronted the Iustices as well as abused his Clyants untill they were better Satisfied of his Change of Behaviour And the said Thomas Macnemarra is made Acquainted therewith and told that then it will be time enough for him to apply hereafter to his Excy and this Board.

Annapolis Munday December the 22^{d} 1707. p. 95

Memorand

The Weather being very hard and Severall of the members of her Majestys Councill dead others aged infirm and much indisposed. It was with great Difficulty his Excellency was able to procure a meeting of

The honble M^{r} P^{r}sident Tench Maj^{r} Gen^{ll} Lloyd and Col Holland.

To whom his Ex^{ncy} was pleased to propose whether it were necessary Still to continue the present Guard on the Armes and Ammunition or only some part of them.

Resolved that there is no present Inducement to this board to Advise his Ex^{ncy} wholy to take of the said Guard but that they may be lessened to the Comander and Six men.

There being two Shipps from England lately arrived and the Masters being very pressing for leave to Sayle when Loaden The Board do not think fitt to Advise his Excellency to Suffer them so to do for that it will not be consonant to her Majestys Royall Instruccons.

His Excellency Acquaints the Board that upon the Death of Mr George Plater Navall Officer of Puttuxent He had thought fitt to appoint Mr John Rousby to Supply that Vacancy upon very Good Recomendation And if this Board thought fitt he should be continued Mr Richard Bennett and Mr Samuel Chew Offered to be his Security. However desired if they knew any person more fitt to take Care of that office they would propose him, or if there were any objection to M^{r} p. 96

Lib. C. B. Rousby they would be ffree to say so, To which they Answered they knew no objection against that Gent^{n} being of very fair Character and Repute And believe him deserving of his Excellenys favour therein Resolve that his Security be one thousand pound Ster.

The Board happening to be very thin His Excellency was pleased to desire the Advice of Mr Philemon Lloyd one of the Iudges of the Provinciall Court upon an odd Accident in the Case of Mr Thomas Macnemara & his wife.

After which was read Mr Cheif Iustice Smithsons Letter to his Ex^{ncy} in Iustification of bayling the said Macnemara. Which being Communicated to the Lawyers present they Offered the following Opinions, And first Mr Wornell Hunt.

May it please your Ex^{ncy}

Having (according to Your Ex^{ncys} Request) had some Consideration on the Case of Mrs Marg^{tt} Macnemara against Thomas Macnemara her husband in Chancery before Yo^{r} Ex^{ncy} humbly on the four following Quer. observe to Yo^{r} Ex^{ncy} as followeth.

1st Whether a habeas Corpus on the 31st of Char 2^{d} Capt: ii is to be granted or allowed in Civill as well as Criminall cases and when and by whom a habeas Corpus at the Cōmon Law and a habeas Corpus of the said Statute is to be granted in order to the bayling of any person or persons.

2dly Before whom such habeas Corpus are to be returned who shall be Iudges of such returne and bayle the party or remand him.

3dly Whether Yo^{r} Ex^{ncy} hath Iurisdiction as Chancell^{r} or Keeper of the great Seale of this province on petition or
P. 97 Suplicavit of the wife to compell her husband untill cohabitation to allow her Seperate maintenance.

4^{thly} Whether a person Cōmitted for Contempt in disobeying of the Decree of the Court of Chancery may upon habeas Corpus and Sufficient returne of the Cause of such Committment be bayled or remanded.

As to the first I humbly think that a habeas Corpus Issuing on and marked ꝑ Statutu: 31: Car: 2^{di} Cap: ii is to be allowed in Criminall Cases only as will appear to any of an ordinary Skill or knowledge in the Law and that will take paines to read the title preamble Enacting part and provisoe in the said Act, wherein they will find a provisoe that said Act shall not Extend to Civill causes &^{ca}

That an habeas Corpus on said Statute must be allowed in Vacation as well as terme time and that under the penaltys therein mentioned But an habeas Corpus at Cōmon Law in order to the bayling of any person and in a Civill Cause is

not be granted by any Court but the Chancery in Vacation time and by the other Courts in Terme time and on a Motion for the Same Shewing the reasons to the Court why it should be granted. Lib. C. B.

2dly That an habeas Corpus grounded on said Statute may be returnable Imediately before the Iudge or Iudges that grant the same in Vacation time and such Iudge or Iudges may Iudge of the Returne of such Writt and thereon bayle or remand the party to prison at discretion But an habeas Corpus at the Comon Law which was in use before the said Statute and still is to be returned to the Court in Terme time that all the Iudges of such Court and not one only may Iudge of such Returne and according thereto bayle or remand the party as to them it shall seem meet

3dly Not only by Approved English Authoritys former practice and presidents of Yor predessrs in this province and the failure of Iustice (if otherwise) on Bill petition or Supplicavit to Yor Exncy in Chancery by the wife on such reasons as to you it shall seem meet may allow her maintenance untill Cohabitation p. 98

First by approved English Authoritys.

Your Exncys power in the Court of Chancery is Extraordinary and unlimitted in Cases of Equity bound to no rules certain thô unto discretion and is the fountain by which Iustice is conveyed to the people on their necessitys and Complaints, i Hugh 398, and if any person supposes a wrong by the Decree of the Court of Chancery his only way is to petition the King in Parliament as in the Case of Sr Moyle Finch and the Earle of Worcester. That as Yor Excellencys power being so great and so much of Equity in the present Case Yor Exncys Iurisdiction and Authority in allowing Seperate maintenance seems to me uncontroulable knowing no reason why Yor Exncy may not in the Court of Chancery here by decree force such allowance as well as the Court of Chancery in England which Tothill fol: 93: 94: 97 treating of the Court of Chanry in England says the wife may alone sue the husbd therein and Force him to give her Alymony and tht the Chancellr took Cognizance of such Case lately and plainly appears in the Case between Whorewood and whorewood Chan Repts 20: Vol: pag: and to go to the Iudgmt of the Iudges of the Comon Law in the Case of Manby and Scott in Sidfn 124, most of the Iudges of England were of opinion that the wife was not destitute of remedy in having necessarys for her maintenance of her husband, but might have it by the Comon Law of England in Chancery by Suplicavit as well as by the Comon Law.

Lib. C. B. 2dly From former practice and presidents I am Credibly
p. 99 Informed Your Exncys predecessrs have allowed Seperate maintenance in the Court of Chancery in this province on application of the abused feme.

3dly A failure of Iustice would otherwise be, because the wife as tis well knowne hath no remedy in the Cortts of Comon Law and there are no Spirituall Courts nor Iudges of them here and therefore no suite could be here for Alimony and Admitting that there were Spirituall Courts and Iudges thereof here in the principall Case there is not any Divorce nor cause thereof without which the Iudges of the Spirituall Courts cann never allow Alymony i: Sidfn 115. wherefore taking the Argument only a Necessitate & propter defect. Justitiæ, She may well sue in the Chancery as hath been allowed and Comonly practised in Case of such Nature and that as well as for Legacies i Sidfn 119.

Lastly to Answer the forth Quer:

I allow that persons have been bayled on the returnes of habeas Corpus at Comon Law who were Comitted by the Lord Chancellr for Contempts or by order of the King and Councill high Comrs Iudges of the Ecclesiasticall Court or any other Courts in England but the reason thereof was either because the Returnes of such habeas Corpus were too Genll and uncertain as in the Case of Astwick Moores Repts 839 Vaughans Repts Bushells Case 2 Int. 52: 53: Apsleys Case Moore 840, or the partys committing had no Iurisdiction of the Cause; but illegally comitted or such causes were properly cognizable at comon Law as in Sr Anthony Ropers Case 12: C: 46: 47: i Hughes, Ab: 447, 2 Bulstrodes Repts 300. 301 Bradshaw and the high Comission Courts case 1 Hughs 447,
p. 100 but where the returne of a habeas Corpus is certaine and perticularly setts forth the cause of the Comittment and that the Court or partys that Comitted the prisoner had Iurisdiction of the Cause I never could find that they bayled him as in the Case of one Wm Allen prisoner in the fleet being brought to Court by habs Corpus and the Cause returned by the Keeper that he was Comitted by the Lord Chanceller for a Contempt in not pforming a Decree in the Court of Chanry made against him the Court thereon refused to deliver him Moores Repts 840, and the Earle of Shaftsburys Case Comitted by the Lords in parliamt to the Tower and thô. the returne was Generally on his habeas Corpus for a Contempt to the house because the Court of K: B: had no Iurisdiction of the Cause he was remanded: i Mod, 114. one Maye was Comitted by the Iustices of the Quarter Sessions at Hartford for Saying if I cant have Iustice here ile Have it else where for which he was fined five pounds he obtained his habeas

Corpus & the Cause was thereon returned because he was in Lib. C. B.
Execution for his fine, i, Sidf^n 144 and in any more there are of the like Nature where the ꝑsons were refused to be bayled on their habeas Corpus as 3^d (200: 418. 3) 20: 144: 119 Stiles Rep^ts 129. I take it that the habeas Corpus was allowed in a Civill Cause on the Statute afd.

2dly that the returne Sufficiently Sett forth the cause of comittm^t

3dly That by such returne it Appeared Your Ex^ny & no other in this province had Jurisdiction of the Cause I therefore humbly conceive the habeas Corpus ought not to be granted on the said Statute nor the party on the returne thereof bayled but remanded and that the Supream Comon p. 101
Law Court of this province had no Iurisdiction of the Cause.

Wornell Hunt

And then the Attorney Generall presenteth as follows Viz

In Reply to Mr Chief Iustice Smithsons Iustificatory Letter relating to the bayling of Mr Thomas Macnemara (in Custody of the Serjeant at Armes for contempt of a certain Decree of the high Court of Chancery within this Province made by his Ex^ncy the Governour and Keeper of the great Seale whereby said Thomas Macnemara was Decreed to deliver his wife certain Necessarys and pay her 15^ls ꝑ annum by half yearly payments untill they should agree to Cohabitt) Wherein Mr Smithson says he has been led to it by ꝑ^rsidents in point two of which he has shewne Mr Secrey Loyd, and believes what he has done to be upon very good Consideration, offering to his Ex^ncys consideration Sundry presidents of persons comitted by the Bishop for Heresye and yet bayled by hab^s Corpus because the Heresye was not fundamentall matter of ffaith of persons comitt'd by the high Ecclesiasticall Comissioners for Contempt of their Decrees and bayled on habeas Corpus. And further he says he cann shew of some comitted by Lord Chancell^rs for Contempt (but fairly ownes in refusing to obey such of their Decrees as were made against Judgm^ts given in the Courts of Comon Law (which has no affinity to this Case) And particularly desires his Ex^ncys consideration of the Stat. 16 Car primi cap: i. and 1 Keeble 83 and before & after against which Quotations he says he finds It is objected to him That Iudges of the Courts of p. 102
Comon Law cannot enlarge prisoners but where comitted for such Supposed Criminall Matters as are tryable at Comon Law.

2dly And that they cannot bayle one Comitted in Chan^ry or by the Ordinary in Ecclesiasticall matters. I know not any

Lib. C. B. that have made these objections but Satisfied that the hab^{s} Corpus Act 31° Car 2^{d} R^{s} Cap. 11. which Mr Smithson has altogether proceeded (did it Extend to this province) has neither Expression nor Intent to bayle any but such who are comitted for such Supposed Criminall Matters for which they are Lyable to be Indicted. The Iurisdiction of the Courts of Starr Chamber and high Ecclesiasticall Courts with others of that nature having Long before Vanished and not left any Shaddow behind them at the time of the making that Act.

2dly As to the Courts of comon Law having enlarged ꝑsons comitted for contempts in the Court of Chan^{ry} as well as in the high Comission Court will not be denyed, And in the latter Severall comitted for contempt of their Decrees and even in the Case of Alymony But the reason is plain because of its being an inferiour Court to the K. B. And that those Comissioners had either taken upon them that for which an Action lay at Comon Law, as in Sr Anthony Ropers Case in hughes Abr. about the pension &c or because they have Exceeded their Authority given by by fining and Imprisoning where they had no such Authority of any Legall proceedings in the Spirituall Courts before that time Used
p. 103 (even under the Usurpation of the pope) to Warrant them And as to persons enlarged on 2 H. 4. 15. by the Bishops for Heresie not being fundamentall the Case is as wide because their Authority was declared by Stat. which they Exceeded in not confining themselves to the Heresies declared by the first four Generall Councells &c. And therefore it was the Court of the Kings Bench adjuvantib alijs Iusticiarijs dni Reg were able to Iudge as well of that fact as their authoritys to Imprison &c. But as to persons in the contempt of the Decrees of the high Court of Chancery being bayled on hab^{s} Corpus by one Iustice I know no Presidents, thô. I must acknowledge the Iudges of the said Courts of Comon Law have resolved to bayle on comtempts in not obeying Injunctions and Especiall where the Complain^{ts} had remedy at Comon Law or where barred by Stat. of premunire to reexamine their Iudgm^{t} given in the Kings Courts. Yet note that where any such Enlargments have been It was ꝑ tot. Cur. & non ꝑ mo Capital Justit.

As to this perticular case surely Mr Smithson never understood its Circumstances, for when I reflect that the Court of Chancery in England has power to relieve in any case where the Comon Law is defective, certainly this new Settled province where there is no Stat. to prohibite her Majestys being also Supreme as well in Spiritualls as Temporalls and

no Bishops Courts Settled His Ex^{ncy} the Governour as Keeper Lib. C. B.
of the great Seale might Decree the woman driven from her husband propter Sævitiam resonable Estovers ꝑ tempore, thô with great Diference and respect to the Ld Diocess he has not thought fitt to Intermeddle with any order of Divorce a mensa There: Tothill cites Severall Decrees for Divorces p. 104
made in Chancery in Henry the 8^{ths} time and Queen Elizabeth. Inter Tyrrell & ux^{r} & al fol. 124. And Sheppards Epit^{o} Assures this is the only proper place for a woman being Turned of by her husband to sue for Alymony & that it can be done no where Elce ꝑhapps it may be objected that in this Case the wife was not turned off by her husband who denies not her returne yet if by his cruelty he has driven her from him, I know not how driving cann amount to less then turning his horse out of his pasture nay it is rather more.

And since I observe that appeales in Spiritual are made from the Arch Bishop to the King in Supremâ Cur. Cancellar I think these are Sufficient Inducements for his Ex^{ncys} Sentence against Thomas Macnemara And should a Single Justice even of the Degree of the Chief take upon him Solely to Judge of the Iurisdiction and Decrees of the Court of Chancery Who would ever think it worth their while to apply to that Court to remitt the Rigour of the Comon Law or any otherwise releive them, to no purpose. As to Keebles Rep^{s} cited by Mr Smithson, I have not the book neither do I know the Case but have good reason to think that his Quotation of the Stat. 16 K: C: Chap. 10. is a presumption very ill grounded and upon a very crooked opinion which must needs spend it Self before the End be attained, for that nothing in this case can be pretended within that Statute.

The want of Courage as well as Integrity are certainly the Deepest blemishes and Irreparable Defects in a Councellour On the other hand and Ignorance weigh as heavy, and certainly lead to all confusion and Sorrow at the last, but p. 105
where there is Prudence which my Lord Cook directs us to find with the patient Nullum Numen abest.

Upon hearing whereof the board unanimously declared they were Satisfied with his Ex^{ncys} proceedings and did thinke the bayling of Thomas Macnemara by Mr Justice Smithson to have been Extrajudiciall and illegall.

And thereupon his Ex^{ncy} and the board ordered the Cleark of the Councill to write to Colonel Smithson that his health permitting he should not faile to attend at the next Councill in order to give them Satisfaction herein.

Lib. C. B. p. 107

Att a Councill held Feb^{ry} 17th 1707/8

Present

His Excy the Governour

The honble { Thomas Tench Esqr / Col. Francis Jenkins } { Col Wm Holland And / Col. Wm Coursey }

Capt Iohn Darrocott Comander of the Ship Susanah of Barnstaple a Trader in this Province in Chester River Complains to his Excy and the Board That whereas by the late Act of Assembly for Encouragement of Townes he is obliged to keep Store and sell his Goods in Townes But that there is no Towne Built where he Trades so that he is under the Dilemmas Either of Exposeing his Goods to the Weather desert his Continued place of Trade or render himself obnoxious to the penalty of the said Act of Assembly.

Colonel Thomas Smith late Speaker of the House of Delegates being present at the Board his Excy was pleased to Ask him how it came to pass that the Assembly had not made provision in Case Convenient Store houses were not Built in due time.

To which he Answered he was sure it was the Intention of the Assembly to have done so as may be seen by giving Liberty to the Inhabitants to Build untill September next.

Whereupon his Excy the Governour & Councill together with Col Thomas Smith and Mr Iustice Lloyd were of Opin-
p. 108 ion that in any Reasonable or Equitable Construction he would not be Lyable to the penaltys of the Act if he should sell his Goods Elce where and that no Advantage in this Case ought to be taken untill September next against him or any other person.

Mr Bordley late Clark of the provinciall Court appears at the Boarde made oath that being asked for four Navigation Bonds which the Attorney Gen^{ll} inform'd him he was ordered to prosecute upon the strictest Search he could not find them in the Secretarys Office neither did he ever see them.

Peter Perry who had been Admitted in forma pauperis and Thomas Macknemarra assigned to prosecute his Cause against Roger Wolford Complained to his Excy that notwithstanding that Admision Macnemarra had taken twenty Shillings and one hundred pound of Bacon of him as Fees in that Cause and having now by his Misbehaviour rendred himself uncapable of doing him any Service Refused to returne him the same.

The said Macnemara being at the Door his Excy ordered the Sherriff of Ann Arundell County to ask him if he had taken any such Reward. To which the Sherriff returned that

he reserved the Answer untill he knew whether it was a Lib. C. B.
Crime, And what he had gott none should take it from him.
Upon which Sawcy Answer and other Audatious behaviour
His Excell^{cy} ordered the Sherriff to put him in the Stocks p. 109
one full hour bare Breeched of which his Excy was pleased
to remitt half an hour a great Gust arrising.

Wednesday Feb^{ry} 18th 1707
The Councill Sate. Present
His Excy the Govern^{r}

Mr President Tench Col Francis Ienkins Col^{o} Wm Holland and Col^{o} Wm Coursey.

His Excy not being able to gett a full Councill together Mr Iustice Lloyd being in Towne his Excy was pleased to desire his Advice at this time, And accordingly the said Mr Lloyd was directed to take a seat at the Board which he did.

Mr Iohn Rousby Sworne Navall Officer at Putuxent Comissionated and Appointed Receiv^{r} there till further Direction from the Right Honble the Lord Treasurer

Then was Read at the Board the fol. order of Councill, Viz^{t}

At the Court at St James the 29th day of
Aprill 1707.
Present
The Queens Most Excell^{t} Maj^{ty}

His Royall Highness Prince George of Denmarke
Lord Arch Bishop of Canterberry

Lord Keeper, Ld Treasurer, Ld President, Ld Steward, Duke of Som^{r}sett
Earle of Sunderland, Earle of Bradford, Earle of Poulet, Earle of Cholmondely, Lord Coningesby
Mr Speaker, Mr Bertie, Mr Comptroller, Mr Vice Chamberlain, Mr Sec^{ry} Harley

Ld Great Chamberlain, Lord Chamberlain, Earle of Stanford
Lord Cheif Iustice Holt, Lord Cheif Iustice Trevour, Mr Vernon Mr Howe

Upon reading this day at the Board a Report from the Right honble the Lords of The Comittee for hearing of Appeales from the plantacōns upon the petition of John Taylor of London Merch^{t} Praying to be Admitted to appeale from a Iudgment given against him in the provinciall Court of Maryland in favour of Anne Iones and Thomas Gassaway Ex^{rs} of

Lib. C. B. Nicholas Gassaway Deceased Her Majesty taking the same into her Consideration is pleased with the Advice of her privy Councill to Order, That the petitioner be Admitted to appeal from the said Iudgment to the Governour and Councill of the aforesaid Province Notwithstanding any Lapse of time in making his said Appeale provided the Governour and Councill there have no other Legall Objection thereunto, and in Case they have that then they Returne an Acct thereof to her Majesty at this Board. And the Governour or Comander in Cheif and Councill of Maryland for the time being, and all others whom it may concerne are to take Notice of this her Majestys Pleasure, and pay all due Obedience thereunto Accordingly.

p. 111

Chris: Musgrave.

Mr Saml Chew Called in and Ordered to get the Case Stated that his Excy and this Board may proceed in Complyance thereto.

Then was Read a Letter from Richard Clark to his Excy dated the 30th of Ianry last and dropt at David Bells Mill, Wherein the said Clarke Expresses a deep sence of the Horrour and detestation of his Crimes and that he lyes under the Denomination of a Traytor to her Majesty and Offers to come in and Submitt himself to his Excys Mercy, Whereupon the Board advise his Excy that the said Clarke Surrender to Mercy and be received but without making any Termes with him, And that his Excy be pleased to appoint a proper person to receive and protect him from any Violence in Comeing in.

Ordered that proclamation relating to proceedings at Law how regulated in relation to the assizes be Issued to the Severall Countys that the Sevll Suiters may know how to Conforme themselves thereto.

Mr Iohn Coode Mr Wm Stone Mr Iohn Kirk Mr John Willinger and Mr Thomas Boon practitioners of the Law in Severall County Courts of this province were approved and Lycenced by his Excy and the Councill.

The honble Thomas Tench Esq Recomended to be Iudges of the Court of Vice Admiralty in this Province.

p. 112 Then his Excy and the Councill proceeded to Consider of the Affaire concerning Thomas Macnemara and his Wife & Col: Thomas Smithsons bayling him on the Attachmt of Contempt.

And first on the Question Whether his Excy has done any thing in the Case illegally or that can Look like prejudice They say they cannot thinke so in the least.

Secondly Whether they thinke Mr Smithsons proceedings in the Bayling him on the Stat: 31° Car. 2die to be Legall & Regular. To which the Boarde do say they are of Opinion that he as acted therein willfully irregulary and illegally. But seeing he has Offered to Iustifie his proceedings in Writing Resolved that he be directed so to do with the first convenient Speed giving him Notice the Councill will Sitt on Tuesday the 23d day of March next. Lib. C. B.

and 3dly Whether it be not fitt to use some means to oblige the said Macnemara to Comply to his Excys Decretall Ordr To which the Boarde do Unanimously say that It is highly reasonable proper process issue to oblige him thereto.

Att a Councill held at Annapolis Tuesday Marcharch 23d 1707/8 p. 113

Present

His Excellcy the Governour

Major Generall Edward Lloyd Col Wm Holland Mr Cheseldyne and Colo William Coursey.

Mr Iustice Lloyd desired to Assist at the Boarde

Mr Richard Hunters Petition to practice as an Attry in the County Courts read and granted upon his Excys Inquiry of Colonel Coursey and Mr Secretary Lloyd, who were pleased to say they knew nothing of his Misbehaviour in his Practice but believed him to be a Diligent man in his Business.

Mr Iohn Duvalls Letter to Wm Bladen read as followeth Vizt

March the 15th 1707/8

Mr Bladen

Sr I was on Wednesday last at Mr Iohn Freemans where I hear some very wicked Expressions come out of the mouth of Wm Chew of Baltemore County who asked me what they Intended to doe with Richard Clark whether they Intended to Hang him or no and before I could give him my Answer Swore by God that if he was hanged they had best do it in private I then replyed to him if he was not hanged he would not have Iustice done him William Chew said nay I believe he has been a Notoryous Rogue, but he said he could tell me of somthing Else I asked what it was he said no hang it I dont Care to Speak of it But I will tell You then he replys people says that Ioseph Hill will be brought in trouble but p. 114
by God them have a Care for the Country will never

Lib. C. B. Suffer it for there was three hundred men in Baltemore County that was now ready if Occasion was that would stand by him nay said he they are so intent upon the matter that they are a scouring up their rusty pistolls which I think fit to acquaint you with it and would desire you to show this Letter to his Excy for if he speaks truth, there ought to be some Care taken for the prevention of such Wicked designe this being all at present from Sr

What I have here written I am ready to make Oath to which I think ought to be taken Notice of.

Your most humble Servt
John Duvall

The said Letter was Subscribed

March 27th 1708.

Then was Mr John Duvall Sworne on the holy Evangelists and deposed that what is incerted in the above Letter is true. Iurat Coram me

Samll Young

Whereupon the Councill Advise his Excy to Issue a Warrant from this Boarde to apprehend the said William Chew and bring him before his Excy to be Examine. The Warrant to be Directed to Majr John Freeman. There being but seven of the members of this Board living within this Province His Excy with the Advice of the Gentn of the
p. 115 Councill now present was Obliged to send for Mr Samuel Young of Ann Arundell County who came and having taken and Subscribed the Usuall oaths and Test for security of the Government and that of one of her Majestys Councill within this Province tooke his place at the board.

The Sherriff of Ann Arundell County by Order of his Excy the Governour brought Richard Clarke before the Board Who presented himselfe in most Suppliant Manner and being Examined of his practices and Accomplices therein against this her Matys Government Offerred to discover Severall psons who had entertayned him and Associated with him since his Outlawry and Attainder But after the Board had had a great Deale of patience with them in Expectation of a full free and Ingenious Confession He not offering any thing worthy their further Consideration or that might anyways induce them to thinke him worthy of her most Sacred Matys Royall Mercy, He was Comitted to her Matys Goall in the Custody of the aforesaid Sherriffe of Ann Arundell County.

Resolved this Board will meete again to morrow morning.

Wednesday March 24th 1707 Lib. C. B. p. 116

The Councill Sate present as Yesterday with the Assistance of Mr Iustice Lloyd.

His Excy was pleased to Inquire if Colo Smithson had made any Answer to the letter wrote to him from this Board at the last Councill or was come over in order to give the Board the Satisfaction required, And was Answered that he had not wrote any Answer thereto or come over himself thô Speedy Notice had been given him by the had of the honble Colonel Coursey. Mr Cheseldyn and Mr Young being made acquainted with the proceedings and resolution at the two last Councills in Relation to Mr Smithsons bayling Thomas Macnemara express'd their Approbation thereof and then the following Letter was Read Vizt

Hon^rd Sr

I comunicated Yours to me by Colo Coursey to his Excy and the Councill who seemed to Expect since your health permitted not your comeing over to the Councill that you would have in writing given them some Satisfaccōn to the Question in their Letter but missing that and the Chancery Court having sat to which the Sherriff and Serjeant at Armes made Returnes of the Sevll habeas Corpus and Liberata's The Board have Unanimously resolved that your proceedings thereon have been irregular & illegall Wherefore His Excellency Expects you by the first Conveniency to Transmitt him in writing what you think fitt to say in Vindication of those proceedings the Councill being to sitt again on Tuesday the 23d of March next p. 117

I am Sr Your humble Servant
W Bladen Cl Concil.

His Excy was pleased to Express himself that he could not but resent Mr Smithsons proceedings which were not only in disrespect to himself but this Board the Smithson refuseing and delaying to Offer the reasonable Satisfaction required either by writing or comeing over himself after so long and patient Expectance thereof (tho no ways prevented) And therefore desired the Advice of the Board what Course should be taken with him Whereupon the whole board Unanimously Resolved and advised his Excy that as well for his Misbehaviour in his Office as willfull and unmannerly Contempt of the direction sent him from this Board to offer what he had to say in Justification of his Proceedings (which he has wholy neglected and refused) He be removed from his Office and a Supersedeas sent to

Lib. C. B. him, And not restored untill he gives his Excy and the Board the Satisfaction desired.

Upon Applycation of Major Iosiah Wilson Serjeant at Armes that reasonable Fees may be settled upon him for the Execution of his Office It was resolved that fifty pound
p. 118 of Tob° be allowed him for Serving an Attachment of Contempt and Sixty pounds of Tob° for Comitment and Sixty pounds of Tobacco for releasem^t and 30^ls tob° ꝑ diem for Imprisonment are reasonable Fees to be taken by the said Officer.

Att a Councill held the 3^d
day of Aprill 1708.

Present

His Excy the Governour

The hon^ble	Col° William Holland Col° Thomas Ennalls Mr Saml Young	Mr Iustice Smith & Mr Iustice Lloyd

Mr Thomas Tench president of her Ma^tys Councill being dead and not above Six of that Board remaining Col° John Contee was Admitted and Sworne of the Councill and tooke his place at the Board.

The proceedings of the last Councill Relating to Richard Clarke were read to the Gent^n Present and approved of by them.

His Excy was pleased to ask the Gentlemen present whither the said Clarke being attainted of high Treason and Fellony ought to have any day in Court given him to Which her Majestys Councill and the Iustices of the provinciall
p. 119 Court do say that he ought not to have any. next whether he should be Executed and in what time to which the Boarde Unanimously advise he be Executed pursuant to the Tenour of the Act of Assembly against him and that on Fryday next pursuant to his Excy^s direction to the Sherriff of Ann Arundell County, Exprest in a Warrant for his Execution under the Great Seale and Signed by his Excy the Governour.

Then was read the Deposition of Capt Thomas Larkin taken yesterday before his Ex^ncy Col Ennalls and Esqr Young as followeth Viz^t The said Thomas Larkin being sworne upon the holy Evangelists of Allmighty God Saith that on Tuesday or Wednesday night the second or third day of March the Depon^t happening into the Court house at Gunpowder River in Baltemore County. A certain John Gay saying to this Depon^t what have you got Clarke among you

now? the Depon^{t} reply'd Yes, he is in Annapolis prison. Lib. C. B.
Upon which the said Gay asked what do they intend to do with him, the Deponent answered, hang him if they give him his Deserts. Upon which the said Gay reply'd, By God there would be bloody noses before Clarke should be hang'd. The Depon^{t} reply'd that if he talked so he must be taken notice of. Upon which the sayd Gay replyd he knew nothing of the matter but as people talked but further added By God p. 120
there would be bloody noses before Clarke was hanged. And further the Deponent Saith that a Certain Mr Stokes asked the Deponent above written Whether Wee had gott Richard Clarke the Deponent answer he was in Annapolis prizon The said Stokes asked the Depon^{t} what he thought would be the Issue, whether the said Clarke would dye or noe, The Depon^{t} answered without doubt if he had his Deserts The said Stokes reply'd he never saw the Man, but rather Than he should be hangd he would give fifty pounds if he had no more mony in the World because he understood he was a brave man, or words to that Effect This was done in the presence of James Sanders And further Sayeth not

Thos Larkin

Upon Consideration Whereof Ordered that the said John Gay & Mr John Stoakes be secured and bound over to the next Provinciall Court.

Att a Councill held at the Town and p. 121
Port of Annapolis June 9th 1708

P^{r}sent

His Ex^{ncy} John Seymour Esqr Govr in Chiefe &c.

Major Gen^{ll} Lloyd	Col Ennalls
Col Holland	Col Coursey
Mr Cheseldyn	Mr Young & Col Greenfield

Mr George Thorrold a Jesuite being brought before the Boarde, His Ex^{ncy} was pleased to tell him he wondred what he had to do with his Serv^{ts} to Seduce a poor Sick mayd Servt of his to change her Religion when almost dying.

The said Thorold owns that he saw the Woman at Mr Carrolls where she came to him, but that he never Saw her either before or after, And being askt if he then knew her to be the Governo^{rs} Servt acknowledges he did.

His Ex^{ncy} told him that heretofore in a protestant house in this Town of Annapolis just under his nose, he came &

Lib. C. B. Christened a Child in Contempt of the Law. Mr Thorrold answered he understood no body lived in the house but the Woman (whose Child he Christened) who was a Catholique.

p. 122 His Exncy tells him that his Behaviour at this tyme especially when those of his Faction were Setting up the pretended prince of Wales in her Matys Kingdom of Great Brittain was very audacious, And the first tyme he knows he says Mass in this Town he will sett him by the heels, the second tyme indict him, and the third tyme send him home for England in Irons, And dismist him bidding him take Care Saying that he will have him narrowly watch't.

Then was read the Petition of Benjamin Du Four praying his Exncys Compassion on his Unfortunate Circumstances, some Goods belonging to him designd for his Plantation late imported being seized by the Officers of the Customs upon the Accot of his being an Alien.

Whereupon it was observ'd that the Petr brought in his Goods with design to Sell them as himselfe declared to his Exncy before Severall Masters of Shipps Therefore his Exncy & the Board will not at present take any further stepps herein until the Tryall is over.

p. 123 Att the Councill held at Annapolis
July 8th 1708.

Prsent

His Exncy the Capt Genll &c

The honble Col Holland, Mr Cheseldyn Mr Young & Col Contee.

His Exncy acquaints the Board that he had thought fitt by the Advice of the Councill and Assembly to address their Lordships the Right honble the Lords Comissionrs of Trade and Forraign plantations that a proper Officer should be appointed as Comissary Genll of the publick Stores of Arms and Amunition to ride through the province and inspect the said Arms and Amunition in every County that they be carefully preserv'd and kept well fixt for present Service, Since which he had lately receiv'd their Lordships Directions, signifyed to him by Col: Blakiston our Agent to appoint and Comissionate such an Officer at a Sallary not exceeding One hundred pounds ꝑ Annum. Whereupon his Exncy and the Councill were pleased to approve of Colonel Robert Finley of Talbott County Whom they advise his Exncy to comissionate thereto, & doe not thinke his Sallary for that Service should be less then Eighty pounds ꝑ Annum.

And Ordered that a Comission be prepared as above.

His Ex^ncy acquaints the Board with the Right hon^ble the Lords of Trade & plantations Lre of the thirtieth of December 1707 & the Queens Ord^r about the Counsellors giving Due Attendance for her Service at the Respective Councills Which Lre was ordered to be Entred & is as followeth Viz^t Lib. C. B. p. 124

Amer.

Trusty and Welbeloved Wee Greet you well Whereas Wee are sencible that Effectuall Care ought to be taken to oblige the Members of our Councill to a due Attendance therein, in order to prevent the Many Inconveniencys that may happen from the want of a Quorum of the Councill to transact Business as occasion may require. It is our Will & pleasure that if any of the Members of our s^d Councill shall hereafter willfully absent themselves when duly Sum̄oned without a just and lawfull Cause and shall persist therein after Admonition. You suspend the said Counsellors so absenting themselves till our further pleasure be knowne giving Us tymely Notice thereof.

And Wee hereby Will and require You that this our Royall pleasure be signified to the Severall Members of our Councill in Maryland. And that it be entred in the Councill Books of our said province as a standing Rule. So Wee bid you farewell Given at our Court at Kensington the 20th day of Novemb: 1707. In the Sixth year of our Reign. p. 125

By her Ma^tys Com̄and
Sunderland.

The same was directed

To Our Trusty and Welbeloved John Seymour Esqr Our Capt Gen^ll and Governo^r in Chiefe of our Province of Maryland in America.

Or to the Com̄ander in Chief of our said Province for the tyme being. Maryland.

Advised that whereas many persons in this Province are disaffected to the Government & protestant Succession as established by Law. To the End it may be knowne what number of papists & reputed papists are residing in this province Orders Issue to the Severall Sherriffs of the Respective Countys to take a List of the said papists names as well Masters of Familys as Inmates Servants & negro's baptized in that Religion and return the same to his Ex^ncy the Governour by the fifteenth of August next. His Ex^ncy layd before the Board the R^t hon^ble the Lords of Trade and plantations Letter of the 7th of May 1707. Signifying that An Act of Parlia- p. 126

Lib. C. B. ment had past in England uniting her Ma^{tys} two Kingdoms of England & Scotland into One by the name of Great Brittain. And that two printed Copys of the said Act were sent Whereupon his Ex^{ncy} was pleased to say the said Copys never came to his hands or any Directions in this matter before their Lordships Lre af^{d} which was brought him the fourteenth of June last. Upon Receipt whereof he had made the most Solemn preparation for proclayming her Ma^{ty} Queen of Great Brittain &c. And having issued a Proclamation to the Severall Countys therefore desired the Advice of the Boarde if the High Sherriffe of Ann Arundell County were not the fittest person on horsback and whilst his Ex^{ncy} is Reviewing the Severall Troops of the Militia now in Town to proclayme her most Sacred Ma^{tye} Anne by the Grace of God Queen of Great Brittain France & Ireland & the Dominions thereto belonging Defend^{r} of the Faith &c. And reading the Act of Union Which was approved off by the Board and Her Ma^{ty} proclaym'd Accordingly.

p. 127 Mr Philemon LLoyd Deputy Secretary being sent for came And the Right hon^{ble} the Lords of Trade & forraign plantations Letter was read Signifying that Sr Thomas Laurence had petitioned her Ma^{tye} and alleadged that the Ordinary Lycences have been taken from him by an Act of Assembly in this province from Octob. 1703 to Octob. 1707 to the Value of at least Six hundred pounds which petition her Ma^{tye} had referr'd to their Lordships for their Report thereon. And because their Lordps cannot lay the truth of that Allegation before her Ma^{tye} untill they are Satisfied in some particulars they desired his Ex^{ncy} to return them by the first Opportunity An Acco^{t} of what ꝑsons kept Ordinarys from Octob 1703 to Octob. 1707 what Quantitys of tob^{o} have been payed by them & how that tob^{o} has been dispos'd of by the Assembly.

Mr Saml Young publique Treasurer of the Western Shoare informs the Boarde He understands Capt Carnaby imported thirty five Negros more than he reported which would appear by Nathan Smiths Charge to Mr Lowe in Col Lows hands for the Duty of 20 ꝑ head & the Navall Officer at Puttuxents Booke It was thereupon Ordered that the said Col Lowe & Nathan Smith be wrote to attend the next Councill with those Acco^{ts} And that It be inquired whether Mr George Plater tooke any Import Bond on the Importe of those Negros.

p. 128 Indian King Daniel & another King of the Eastern Shore Indians came and acquainted his Ex^{ncy} that they were disturbed in their Lands and that John Kellum has seated in their Lands John Parker fallen bounded Trees and clears their Ground. George Nicholas John Bevans & Willm Laws are seated within their Bounds.

Ordered that Col. William Whittington Resurvey the said Indians Lands and make Report to his Ex^{ncy} with all convenient speede what persons and whether any have encroached and Seated within the said Indians Lands that Care may be taken to redress the Aggrievance And in Case they have forceably entred and deteyn'd the Indians Lands they be prosecuted for the trespass in order to deter others. And that the said Colonel Whittington call what Evidences are necessary to discover the Bounds of the said Indians Lands. Lib. C. B.

Resolved that the Councill meete the sixteenth day of August next and that Letters be wrote to the Severall Members to give their Attendance accordingly.

Att a Councill held at the Town and port of Annapolis in Ann Arundell County the 16th Day of August in the 7th year of her Ma^{tys} Reign &c Annoq Dni 1708. p. 129

P^{r}sent

His Ex^{ncy} the Capt Gen^{ll} &c.

The hon^{ble} Major Gen^{ll} Lloyd — Colonel Thos Ennalls
Col Wm Holland — Colonel Willm Coursey
Kenelm Cheseldyn Esqr — Colonel Thos Greenfield

Four of her Ma^{tys} Royall Letters dated at Kensington the 23^{d} of Feb^{ry} 1707/8 in the sixth year of her Ma^{tys} Raign under her Sign Mannuall & countersigned by the Right hon^{ble} the Earle of Sunderland her Ma^{tys} principall Secry of State and Sealed with her Ma^{tys} Lesser Seale appointing Col: John Contee Seth Biggs Esqr Samuel Young Esqr & Colonel Thomas Greenfield to be of her Ma^{tys} hon^{ble} Councill in this province were read at the Board and ordered to be Entred in the Journall of this Days proceedings.

Colonel John Contee and Mr Seth Biggs being both dead since the said Letters came to hand and Mr Samuel Young having been allready sworne of the Councill for want of a competent Number. The hon^{ble} Colonel Thos Greenfield was sworne One of the Members of this Board & having taken the Oaths of Allegiance & Abjuration & signed the last together with the Test according to Law tooke his place at the Board.

Ordered that Mr Thomas Brooke pursuant to her Ma^{tys} Royall Direction to his Ex^{ncy} be dismist from being a Member of this Boarde And that the Clerke of the Councill give him Notice thereof. p. 130

Then was read to the Members now p^{r}sent the proceedings of the two last Councills who unanimously approved thereof.

Lib. C. B. Her Ma^{tys} Order in Councill at the Court of St James' the first of Aprill 1708 declaring two Laws to be repealed was read and is as followeth Viz^{t}

At the Court at St James the first
Day of Aprill 1708 P^{r}sent
The Queens most Excell^{t} Ma^{tye}

Ld Chancellor	Mr Secry Boyle
L^{d} P^{r}sid^{t}	Mr Vice Chamberlain
Duke of Somersett	Lord Chief Justice Trevor
Earle of Derby	Sr Thomas Mansell
Earle of Sunderland	Sr Charles Hedges
Earle of Cholmondeley	Mr Vernon
Earle of Seafield	Mr How
Mr Bertie	Lieu^{t} Gen^{ll} Earle.

Whereas upon the humble Rep^{r}sentacōn of the Lords Com^{rs} for Trade and plantations Dated the 23^{d} of the Last month Her Majesty was this Day pleased to approve of an Act lately pass'd in Virginia Entituled an Act for Improving the Staple and Regulating the Size of Tob^{o} Hogsheads and
p. 131 allso to Disallow and Repeall two Acts passd in Generall Assembly of her Maj^{tys} Province of Maryland, Entitled

An Act for ascertaining the Gauge of Tobacco Hogsheads pass'd the 3^{d} of October 1704 and

An Act to prevent Cropping Cutting and Defacing Tobacco taken on Board Ships & Vessells upon Freight pass'd the 15 of Apprill 1707

The first of which two last mentioned Acts doth Enact as is sett forth in the said Representation, That no Tobacco Hogsheads shall Exceed fforty Eight Inches in Length and thirty two Inches in the Head, and that in Case any persons shall make Hogsheads of a Larger Dimension he shall forfeit one hundred pounds of Tobacco for Each Hogshead so made, which the merchants Complain of as a Great hardship upon them for thô By this Maryland Act, their Hogsheads Exceede those of Virginia but two Inches in the head, yet in the Loading of a Ship the Difference is considerable, for a Ship Built to Carry seaven hundred Virginia Hogsheads can not loade above six hundred of those of Maryland; besides that very often such ships Do take in part of their Lading in Virginia, and part in Maryland, so that By Reason of the Different Sizes of the Cask the Mas^{rs} cannot take in their full lading nor stow the Cask so conveniently, and without Loss

of Room as if they were of an equall size which is a great Lib. C. B.
Discouragement of the Navigation of this Kingdome.

The second Law, to prevent Cropping, Cutting and Defacing of Tobacco Hogsheads &c. Enacts That Every Mas[rs] of a Ship, taking Freight shall Give Bond with one surety in the sum of two hundred pounds sterling, that he [will] Not for p. 132
that Voyage, Cut, Crop, lessen, Disminish, Deface impair any Tobacco Hogsheads, taken on Board his said Ship, or suffer the same to be Done under the penalty of three pounds sterling for Every Hogshead so Defaced.

This the merchants complains of, as an other hardship upon them; for the penalty upon those that shall make the Hogsheads larger than the Size in the aforementioned Act is to forfeit but one hundred pounds of Tobacco, amounting to about six shill; whereas the penalty for Defacing or Endamaging a hogshead in the stowing, being three pounds Sterling, is more than the value of a Hogshead of Tobacco there, which the said Com[rs] conceive to be unreasonable, for the large size of the Maryland Hogsheads obliges the masters to vse screws to squeeze them in their stowage, which is lyable to be interpreted a Defacing or Endamaging the said Cask. Her Ma[ty] taking the same into Consideration, was pleased to Order in Councill, That Colonel Seymour Governour of Maryland or the Governour in Chief for the time being do move the Assembly, that instead of the aforesaid two repeated Acts, they pass a new law conformable to that of Virginia, in respect both to the Size of the Hogshead and to the penalty on the offenders therein, and that he Transmitt the same to this Board By the first Conveniency for her Majestys Royall approbation Chr Musgrave

Ordered by his Ex[ncy] & this Board that Proclamacōn issue to signifye the Repeale of the said Laws which was done accordingly.

Then was read the Report of S[r] Symon Harcourt her Ma[tys] Attorny Gen[ll] concerning Her Ma[tys] Secry and the Order p. 133
with her Ma[tys] Order upon the said His Ex[ncy] and this Board resolve to recomend Gen[ll] Assembly and by the pressing Arguments & Motives they can use to them endeavour to them to complye with her Ma[tys] Royall ple[asure]

But inasmuch as S[r] Thomas Laurence has suggested that by the Assemblys applying the ffynes of those Lycences to the Defraying the publiq Charge for four Years He is defeated of £600 sterl, so that He computes them to be annually worth £150 sterl: p Annu. Whereas upon Inquiry and nice Inspection of the County Clerks Returns of the said Lycences they have not in all exceeded in four years Which tob[o]

Lib. C. B. lying dispersed in Sundry Countys and not being upon Execution is not worth above 5 ꝑ C^t^ take it alltogether on both sydes the Bay the Sallary of 10 ꝑ C^t^ for collecting being deducted, And very often those Lycences are ill payd being they who keepe Ordinarys are very poor ꝑsons in meane Circumstances, and their Securitys not in much better, and many of them for keeping ill Orders often put down before the Fynes become due. However his Ex^ncy^ and this Board being willing to give their Lordships the Right hon^ble^ the Lords Comissioners of Trade & fforraign plantations the best Satisfaction they can to the nice value of the said Sumes of tob^o^ sent for Mr Amos Garrett Merch^t^ Who is one Lau-
p. 134 rences Agent or Attorney this Province And desired he would tell them what he would be willing to give therefore Who made Answer that taking the tob^o^ on the One syde of the Bay and the other he would not give more than five shillings ꝑ Cent so that it appears Sr Thomas Laurence has made a farr larger Estimate of the yearly Value of those Lycences than they really amount to, Since that taking them One yeare with another they amount not to more than £25000^ls^ tob Which even at Mr Garretts Computation at this tyme when tob^o^ seems to be more in demand than for severall years last past, there being a considerable Quantity of Ships in the Country Amounts not to more than £62: 10 0 Sterl ꝑ Annu.

His Ex^ncy^ asks the Councill what will be the best and properest tyme for the meeting of the next Assembly, with all considering that there must be forty days between the days of the Teste and Returns of the Severall Writts of Election.

And thereupon It was advised & Resolved that Writts of Election imediately issue as of this day that the Assembly sitt on the 27th of Sep^t^ next Ensuing And that Lres be wrote to
p. 135 the Severall Sherriffs to adjourne the pole to the Center of their Countys that all the Free Choice of their Representation

It was humbly moved by the
here, that Whereas this Governm^t^
judiciall notice of the Union of her
Kingdoms of England & Scotland into
name of Great Brittain, and of the Alteration of her Ma^tys^ Royall Stile being no longer called Queen of England Scotland &c But Queen of Great Brittain &c that the Board would be pleased to consider whether it be not absolutely necessary All Civill Comissions especially those respecting the Courts of Justice should be under the p^r^sent Stile of her Ma^tye^ as Queen of Great Brittain &c least the Omission thereof should not only be Assign'd as Error in the said

Courts proceedings but resented at Home as a neglect & Lib. C. B.
Disrespect to her Most Sacred Ma^{tye}

On Consideration whereof His Ex^{ncy} & the Board are of Opinion that the said Comcōns ought to runn in the present Stile of her Ma^{tye} as Queen of Great Brittain &c And therefore It was ordered the said Comissions be altered & run in the said Stile.

It falling under the Consideration of his Ex^{ncy} and this Board whether the late Seate of Governm^{t} called the City of p. 136
St Marys to send two Citizens to the Assembly not having a Mayor Recorder & men to choose the said Citizens, It is the opinion of this Board that for want of such persons no Citizens can be legally returned thence to serve in the Gen^{ll} Assembly, however Resolved a Writt be sent directed to such persons.

Then It was proposed whether It may not be proper to erect this Town and port of Annapolis into a City with the Priviledge of sending two Citizens to the Gen^{ll} Assembly, And some other small priviledges such as shall be agreed on by his Ex^{ncy} & this Board To which the Board do say that it will be very proper this being the Seate of Government & a growing place as having the most Buildings & people Inhabiting therein.

The Councill then brake up.

Here follow sev^{r}all of her Ma^{tys} Royall Lres apointing severall Gent^{n} of this province of her Councill here the said Lres Directed to his Ex^{ncy} the Govr

Anne R.

Trusty and Welbeloved, Wee Greet you Well. Whereas it has been represented unto us By our Commissioners for Trade and Plantations, That Thomas Broock one of the Members of our Councill of that our Province of Maryland does never attend our Service at that Board, have thought p. 137
fitt that the said Thomas Brook be forthwith dismist from his Place in our said Councill and our will [and] Pleasure is that forthwith upon Receipt hereof you Dismiss [him] from our said Councill accordingly; and that you swear and admit Our Trusty and Wellbeloved Seth Biggs (of whose Loyalty; Integrity and ability wee are well Informed) to be one of our said Council in his room and place, and for so Doing this shall be your Warrant, and so Wee Bid you Farewell. Given at our Court at Kensington the Three and Twentieth Day of February 1707/8 In the sixth year of Our Reigne.

By her Majestys Command
Sunderland

Lib. C. B.

Anne R

Trusty and welbeloved, Wee Greet you well. Whereas Wee are well Satisfyed of the Loyalty Integrity and Ability of our Trusty and wellbeloved Colonel John Contee of Charles County Esqr Wee have therefore thought fit hereby to signify Our Will and Pleasure to you that forthwith upon Receipt hereof you swear and admit him the said John Contee to be one of our Council in our Province of Maryland and for so Doing this shall be your Warrant and so Wee Bid you Farewell Given at our Court at Kensington the Three & Twentieth of ffebruary 1707/8 in the sixth year of our Reign

By Her Majestys Comand

p. 138

Anne R

Trusty and Welbeloved Wee Greet you Well. Whereas Wee are well satisfyed of the Loyalty, Integrity and ability of our Trusty and wellbeloved Samuel Young Esqr Wee have therefore thought fitt hereby to signify our Will & Pleasure to you that forthwith upon Receipt hereof you sweare and admit him the said Samuel Young to be one of our Councill in our Province of Maryland, and for so Doing this shall be your Warrant, and so Wee Bid you Farewell Given at our Court at Kensington the Three and Twentyeth Day of ffebruary 1707/8, in the sixth year of our Reigne

By Her Majestys Command
Sunderland

Anne R:

Trusty and welbeloved Wee Greet you Well, Whereas Wee are well Satisfyed of the Loyalty, Integrity and Ability of our Trusty and welbeloved Thomas Greenfield Esqr We have therefore thought fit hereby to signifye our Will and pleasure to you That forthwith upon Receipt hereof you swear and admit him the said Thomas Greenfield to One of our Council in our Province of Maryland in the Room of James Sanders Esqr Deceased, and for so Doing this shall be your Warrant and so Wee Bid you [Farewell. Given] at our Court Kensington

p. 139 Three and Twentieth Day of ffe year of our Reign
By her

At the Councill held the 10th Day of [September] Lib. C. B.

Present his Exncy the Governour &c.

Col Holland, Mr Cheseldyn & Mr Young.

His Exncy was pleased to send for Colonel Smith & Mr LLoyd in order to settle the next assizes, when to be held notice may be publiquely Given, and appointed the as followeth

Mr Chiefe Iustice Holland & Mr Iustice At Baltemore Court house, munday octob

Western Circuite Fryday october
Munday October
Thursday october
Munday November p. 140
Iustice LLoyd

to the Eight Day of Novemr: that Novemb Original damaged here.
was Design'd on the first Tuesday of that month
aforesaid held on the Tuesday being
of the same month.

Whereas By the Death of Thomas Tench Esqr & Major Genll Hammond and Col John Contee & Mr Seth Biggs lately appointed members of this Board The Number of Councellors are reduced to Eight one whereof, Col Francis Ienkins is very aged and lives at great Distance Sommersett County not being able to give his constant

whether it may not be necessary
for Dispatch of publique Business to sweare
of the Councill and what opinion
have of Philip Lynes Esqr late one
The Boarde
of the said
Good
for
Came
tooke

VARIOUS PAPERS

FROM THE

PUBLIC RECORD OFFICE, LONDON.

Mostly Relating to the Years, 1701–1714.

CENSUS LISTS.

ADDRESS OF QUAKERS TO GOV. SEYMOUR.

LETTERS OF GOV. SEYMOUR TO BOARD OF TRADE.

PETITION OF BENEDICT LEONARD CALVERT TO THE KING.

Taxables in Maryland

P. R. O.
B. T. Md. 9.
fol. 81

Sent by Col. Nicholson to the Board of Trade, 27 March 1697

County	1694	1695	1696
Ann Arundell	1.539	1.525	1.564
Saint Marys	1.006	1.014	1.049
Calvert	1.787	1.791	1.045
Charles	895	871	991
Baltimore	468	496	495
Cecill		618	669
Kent	447	467	515
Talbot	1.505	1.509	1.379
Dorchester	661	649	628
Somerset	1.439	1.450	1.388
Prince George			658
	9.747	10.390	10.381

A List of Inhabitants of Maryland.

An abstract of 14 lists of the Inhabitants referred to in a letter from Governor Blackstone dated 3d. April 1701

County	Taxables	Untaxed	Total
Prince George	963	1.395	2.358
Charles	946	1.686	2.632
Cecil	870	1.124	2.004
Kent	707	1.223	1.930
St. Marys	1.277	2.236	3.513
Calvert	1.248	1.569	2.817
Somerset	1.680	3.724	5.404
Dorchester	868	1.749	2.617
Talbot	1.846	3.016	4.862
Ann Arundell	1.809	2.312	4.121
	12.214	20.044	32.258

I am too sensible they are not so perfect as they ought to be, but going through so many hands who are the respective Constables and officers &c. and they being very illiterate make it almost Unpracticable to performe with that Exactness your Lordships are pleased to require.

8th April, 1701 N. Blakiston

P. R. O.
B. T. Md.
Vol. 9.

[Indians in Maryland.]

An Account of what Nations of Indians reside within the province of Maryland and are under Articles of Peace with the said Government.

The Emperor of Nanticoke, which Nation consists of ten Towns, the certaine number unknowne.

The Eastern Shore Indians remove very often into Virginia and Pensilvania; so tis almost impossible to have the Exact number of men or Towns; but some of those which are called so, have not twenty families in them. The numbers of the Indians in these parts decrease very much by reason of the Small pox a distemper they had not before the Europeans came amongst them, and by their old way of poisoning, which they are very expert in; but the greatest cause of all is their being so devilishly given to drinking, especially of Rum, for procuring which they will even sell or pawne all they have

The Emperor of Piscattaway under whose subjection is contained Chapticoe and Mattawoman Indians, all which joined by other are said not to be above 80 or 90 in number.

The Pomunkey Indians came also by consent and order of the Government under the Subjection of the said Emperour. A commission being granted him generally to rule and governe all the Nations of Indians on the Westerne Shore, dated the 14th day of July, anno 1696, which said Commission was to remain during pleasure

[Sir Thos. Lawrence to the Earl of Bridgewater. Dated Mar 25, 1697]

B. T. M. 4.

A List of Men, Women, children & slaves in her Majesty's Province of Maryland in 1704,—referred to in Col. Seymour's letter of 3d. July 1705.

County.	Master of Families.	Free Women & Servts.	Free Children boys & girls.	Free men & Servt. Men.	Servts. boys & girls.	Slaves young & old.	Fitt to bear arms.
A.A.	716	1,058	1,418	503	145	672	1,272
St. M.	418	617	1,065	938	151	326	1,356
Kent,	264	413	608	393	54	159	639
Calvert	309	560	942	619	243	938	928
Charles,	408	485	931	390	197	578	868
Talbot,	712	914	1,207	822	115	460	1,534
Balto.	364	418	632	235	74	204	803
Somer[t].	804	1,167	1,436	642	83	305	1,546
Dorset	305	512	814	418	64	199	723
Cecil	407	489	716	430	95	198	837
Pr. Geo.	416	530	1,166	464	92	436	880
Totals,	5,172	7,163	10,935	5,854	1,313	4,475	11,386

P. R. O.
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[Dated] 2. May 1699—11 August 1707.

An Account of Negroes imported into Maryland.

An Exact Account of Negroes Imported into her Majestys Province of Maryland from Midsumer 1658 to Xmas 1707.

Time of Importacõn.	By whome.	In What Vessells.	of what place.	The Owners of Traders Names.	Number.
May 2d 1699 . . .	George Laurence . . .	Hopewell Iacob	London . .		86
Iuly 20th 1699 . . .	Richard Bradshaw . . .	African Galley	London . .		76
August 9th 1699 . .	Samuel Thornborrough	Fairfax	London . .		190
Iuly 20th 1700 . . .	Henry Munday	Iohn Hopewell	London . .	Mrs Smith and Petit and Company .	320
October 7th 1701 .	Edward Briscow	Betty Galley	London . .		64
Iuly 4th 1702 . . .	Stephen Ierome	Endeavour	London . .		49
4th July 1702 . . .	Roger Carnaby	Hunter Galley	London . .		152
Septr 4th 1702 . . .	Iohn Gunnell	Providence	London . .		136
Iuly 13th 1703 . . .	Iohn Lewis	Pinck Mary	Barbados .		55
Iune 11th 1704 . .	Roger Carnaby	Dolphin	London . .		200
Iuly 2d 1705	Iohn Stays	Briganteene Dorset. . .	London . .	Mrs Rascow	131
Iune 9th 1705 . . .	Iohn Woodward	Olive Tree	London . .	Mrs Perry Browne & Company. . .	150
Augt 11th 1705 . .	Richard Hinton	Briganteene Adentr . .	London . .		90
Same time	Iohn Hunt	Sloope Swallow	Barbados .		71
Iuly 1706 . . .	Iohn Woodward	Olive Tree	London . .	Mrs Perry Browne & Company . . .	163
Augt 4th 1707 . . .	Iames Frisby	Young Margarett . . .	London . .	Mrs Perry Browne & Company . . .	265
August 11th 1707 .	Daniel Lewis	Briganteen Adventer .	London . .		92
					2290

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fo. 80

Inhabitants of Maryland

Extract from a letter of Col. Seymour to the lords of Trade 23 June, 1708

After strict examination of the best List I could procure of the Number of Inhabitants, they were last year computed to be 33,833 Souls, White and Black, viz. Seven thousand and ninety Christian Men, Six thousand three hundred twenty-five Christian Women, twelve thousand eight hundred and eight Children, three thousand and three White Servants, and four thousand Six hundred fifty seven slaves. Militia 5,738, many ill armed.

A List of the number of Roman Catholics in Maryland in 1708.

Maryland ss

B. T. Md. 5. A List of the Number of Papists Inhabiting in the Several Countys of this Province as taken by the respective Sheriffs Annoq Dni 1708 Vizt.

In Ann Arundell County	161
In Baltimore County	53
In Calvert County	48
In Prince Georges County	248
In Charles County	709
In St Marys County	1238
In Cecill County	49
In Kent County	40
In Queen Anns County	179
In Talbot County	89
In Dorchester County	79
In Somersett County	81
In all	2974

B. T. Md. 6. Number of white men, women & children & of Negroes young & old in her M. Pro. of Maryland–1710.

County.	Masters and Taxable Men.	White Women.	White Children.	Negroes.
Calvert,	708	560	1,014	934
Charles,	951	641	1,199	638
Pr. George,	845	637	1,215	1,297
St. Marys,	1,088	827	1,538	668
Baltimore,	733	558	1,098	438
Cecil,	497	406	856	197
Kent,	974	753	547	479

P. R. O.

County.	Masters and Taxable Men.	White Women.	White Children.	Negroes.
Queen Anne	808	644	1,241	374
Talbot,	1,103	851	1,681	470
Dorsett,	499	430	909	343
Somersett,	1,871	1,194	2,670	579
Anne Arund.	1,014	793	1,443	1,528
Total,	11,091	8,294	15,411	7,945

Examined by W. Bladen Clk Councill

A Compleate List of the number of Christian Men, Women and Children and also of Negro slaves in the Province of Maryland–1712. B. T. Md. 6.

In a letter from Mr. Lloyd, President of the Council to the Board of Trade 15" July 1712.

County.	Masters & Taxble	Wh. Women.	Children.	Negroes.
Ann Arundel	985	885	1,574	1,559
Calvert,	644	597	1,080	1,179
Charles,	993	783	1,507	724
Pr. George,	790	600	1,198	1,202
Baltimore,	785	572	1,114	452
St. Marys,	998	812	1,768	512
Cecil,	504	435	873	285
Kent,	830	575	996	485
Queen Anne,	1,011	843	1,446	550
Talbot,	1,114	864	1,708	492
Dorchester,	759	747	1,582	387
Somerset,	1,616	1,368	2,787	581
Total	11,025	9,077	17,641	8,408

Mem. The 11,025 masters of Families & Taxablemen are generally reputed fitt to bear arms being persons from sixteen years and upwards of which there are not many old and decrepit. W. Bladen Cl'k Councill

Seal for Maryland

Anne R.

To our Trusty and Well beloved the President of Our Council of Maryland, or to the Commander in Chief in and over Our said Province and Territory of Maryland in America for the time being, Greeting. B. T. Md. 11. fo. 316

With this you will receive a Seal prepared by Our Order, for the use of our Government of Maryland, which Seal is engraven on the one side with Our Royal Arms, Garter,

P. R. O. Crown, Supporters and Motto, and this Inscription round the Circumference: Anna Dei Gratia Magnæ Brittanniæ Franciæ & Hiberniæ: Regina Fidei Defensor &c. On the other side Our Royal Cypher Crown'd and this Inscription round the Circumference: Sigillum Provinciæ de Maryland in America. Which Seal We do hereby authorize and direct to be used in Sealing all Patents and Grants, and all Public Acts and Instruments of Government, which shall be made and pass'd in Our Name for Our Service within Our said Province; And that it be to all Intents and Purposes of the same force and Validity as any other Seal whatsoever appointed for the use of any of Our Plantations in America, is, or hath been.

And we further Will and require you upon the receipt of the said Seal, to cause the former Seal to be broken before you in Counc[l] and then to transmit the said former Seal so broken, to Our Commissioners for Trade and Plantations to be laid before Us in Council as usual.

Given at Our Castle of Windsor the Sixth Day of December 1712, In the Tenth year of Our Reign

By her Majestys Comand
Dartmouth.

B. T. Md. 5. Quakers in Maryland—Address to Gov: Seymour.

To Colonel Iohn Seymour Governour of the Province of Maryland &c.

The humble Address of the peaceable people called Quakers, given forth at their Monthly Meeting, at West River, in the Said Province, the 11th day of the Fifth Month 1707—

In Submissive manner Sheweth that they having Seen a written paper, which began after the following manner (Viz[t]) Friend Seymour &c. and by an Imitation of the Words thee or thou, would Seem to Feigne the Person and Stile of a Quaker, which Said Paper, & the hidden Author thereof Wee utterly disowne and deny, and are fully assured in our minds that notwithstanding the Feigned Imitation of a Quaker in Some words, the author thereof neither is or ever was of our Society, or owned by us as Such, for it hath not in it the Image of that inocent, harmless and peaceable truth and Spiritt of our Lord Jesus Christ, Which Wee profess and believe in; But is rather a Scurrilous Libell tending to affront authority, a practice as remote from our principall and practice as the East is from the West. And Wee have reason to believe that hidden author of the Said Libell is Some evill minded person that endeavours by ill practice to render us the peaceable people called Quakers obnoxious to this Civill and Moderate Government, from whom Wee freely and readily

acknowledge Wee have and do receive obligatory kindness, P. R. O.
perticulerly in its protecting of us in the peaceable Enjoyment of our conscientious Liberty, in relation to the Worshipp of Allmighty God and also in the full and free Enjoyment of the Laws and Libertys of English Subjects. And Wee do humbly take Liberty to Declare that that person (Clark) named in the Said Written paper, and now an outlaw in Rebellion against the Government, Wee believe is a wicked and ungodly man and all his actions which have been and are continued to be Villainous abusive and Rebellious against the peaceable Government of this province. And all his Confederates, ayders, assisters, and Abetters therein Wee do in our hearts denye, disowne, detest, and abominate And it is altogether repugnant to thought, intent, and purpose of our hearts, to concerne ourselves either upon his or his Wifes account anyway, but truly and heartily desire that he and all his confederates in wickedness and Rebellion may be brought to Iustice, And this Wee have [set] forth in true Sencerity for the clearing of the Truth of God which Wee profess from Scandalls, and all Scandalous and rebellious persons and practices.

Signed by appointment of our Said Meeting and in the behalfe of the people called Quakers, in the Province of Maryland

Richd Iohns
Richd Harrison
Samuel Chew
Neh Birkhead
Saml Galloway
M: Moore

[On the Dorse]

Maryland ss^{t} Att a Councill held at Annapolis the 16th Day of Iuly in the 6th Year of her Matys Raign &c. Annoq. Dñi 1707.

His Ex^{ncy} Iohn Seymour Esqr her Ma^{tys} Capt Gen^{ll} & Governo^{r} in Chiefe of this Her Ma^{tys} Province being present in Councills

Mr Richard Iohns and Mr Saml Chew on behalfe of the People of this Province called Quakers presented to his Ex^{ncy} the within address, which his Ex^{ncy} received very kindly and together with the Board was pleased to declare that they had observ'd the Said Society of people call'd Quakers to be very peaceable and quiett, and well affected to this her Ma^{tys} Governm^{t} especially Since her Ma^{tys} happy Accession to the Throne And that particularly on this Occasion they had exprest themselves to the greate Satisfaction of his Ex^{ncy} and this Boarde, Who therefore assured them of her Ma^{tys} gracious protection during Such their peaceable and dutifull Behaviour

W Bladen Cl Concil

P. R. O. [Endorsement] Maryland

Copy of an Address to Colonel Seymour from the Quakers in Maryland, relating to the Evil

Governor Seymour to Board of Trade.

My Lords of R^t hon^ble Gentlemen.

I am glad of any, & take this Oportunity of paying my Duty and Respects to you hon^ble Boarde, and rendring you the best Account of the Affairs of this Province which her Ma^ty has been Graciously pleased to comitt to my Conduct.

Our Assembly met on Wednesday the 26th of March, & sate till the 14th of Aprill last but the Clarks not having had tyme to transcribe the Laws and Iournalls, I cannot now, but must be content to transmitt them to your Lordships by the Fleete; However presume to informe You with the most materiall Transactions in this Session.

And First of the Enacting an Additionall Law for Towns and Ports, wherein it is at last agreed to, that all Tobacco's after the tenth day of Septemb. A° 1708 shall be brought to, and Shipt off from Towns & Ports, and that all Ships Shall ride and loade there; Which I am persuaded will be of Great Advantage & Security to her Ma^tys Revenue; And therefore hope, it will find your Acceptance, and her Ma^tys Royall Sanction; though the Stiffness of our Legislators has still aforded Occasion to have it amended.

In Obedience to her Ma^tys Royall Comands An Act of Assembly was past for Suspending (during her Ma^tys Royall Pleasure) the prosecution of Priests of the Romish Comunion incurring the penaltys of the Act to prevent the Growth of Popery in this Province, by exercising their Function in a private Family of the Roman Comunion, but in no other case whatsoever, & hope it will answer her Ma^tys & your hon^ble Boards directions.

Upon a new discovered peice of Villany that Richard Clarke with his Gange of Runaway Rogues had concerted to Seize on our Magazine, and burne this Towne and Port of Annapolis, & then Steale a Vessell and turne pyrates, where they thought it most Feasable: All means having prov'd ineffectuall to apprehend and bringe the said Clarke to Iustice, The Assembly, for the better Security of the province, & to deterr any from associating with him past An Act to attaint him of high Treason: And this province has already and is Still like to be at no little Charge and trouble upon his Account. For altho' he is one of the Greatest of Villains, Yet (especially in this County of Ann Arundell) he has So many neare Relations that Wee find it very difficult to discover

his haunts. And what is worse out of a foolish Conceipt of his being a Stout Fellow, and Country borne, the Natives being now growne up, and most of them in Offices, are very backward, if not altogether unwilling to bring him in, could they conveniently meete with him. P. R. O.

During the Session one Mr Joseph Hill (Country borne) & a Member of the House of Delegates, was by that House expell'd the Assembly, for adhering to, assisting; & corespondding with the Said Clarke; nothwithstanding which I am doubtfull

Wee shall allways want Iurys to do her Ma^tye^ comon Iustice on the Countrye borne (as they call 'em) and am apt to believe the reason is, that the Assembly Anno 1694 (under a Specious pretence of the Encouragement of Learning, to which the Countrye has not Yet made any one further Stepp), gained the then Governour & Councills Assent to An Act for the Encouragement of Learning & Advancement of the Natives of this Province, By which her Ma^tys^ English Subjects are debarred from holding any Office of Trust or profitt within this province, (not being imediately a Patent Office) untill they have actually made this Countrye theire place of Residence during the full terme of three Years: And hence it is that no Ingenious Men capable of Serving her Ma^tye^ or the Province will come here to Starve So long a Terme;—Which if not remedyed by her Ma^tys^ Disassent to that Law, I feare will be of Fatall & pernicious Consequence to Maryland; For Notw^th^standing the Act of Assembly made in 1694 For the Erecting of Free-Schools, there is not yet So much as one Gramar Schoole in the whole province; And Yet the Assembly & other Courts of Iustice For the most parte are composed of, & the Government on all Occasions is necessitated to comissionate, the Natives, tho' many times very ignorant & unfitt for the Offices and Trusts this Act of Assembly devolves upon them, which is only a particular Misfortune to Maryland. No Such Law or practice being in any other of her Ma^tys^ Plantations where all her Subjects Stand upon the Levell.

Severall Complaints being made ag^t^ the Lord Proprietarys Officers for Granting & Measuring of Lands, Upon Examination It was found that his Lordps Surveyors Gen^ll^ Farm'd out their Offices in the Severall Countys to their Deputys (who are Generally unskilfull and indigent persons) at certaine large Sumes or Rents; for which they tooke their obligations whether the just Fees and perquisites from the Said Deputys accustom'd to be reserv'd to the Said Surveyo^rs^ Gen^ll^ amounted thereto or not, which occasioned the said Deputys the better to raise the Said Sumes and Rents, to use many Tricks in the Execution of their Offices; Sometymes neglecting

P. R. O. to include in the Surveys the Lands intended and Shewne them; and very often prying into, and finding faults with the old Surveys by the water Sides where the Ancient bounded trees & even the Bancks are Some tymes washt away into the Bays, and Rivers; to the Greate Disturbance, and dissatisfaction of her Ma^tys^ Subjects, who have been put to greate Charge in asserting their just Bounds. The Assembly made an Act requiring the Lord Baltimores Agents to certifye into the Secretarys Office the Instructions and Condicons of Plantations with the Fees by them demanded, and obliging his Lordshipps Deputy Surveyo^rs^ to qualifye themselves according to Law: And by that Act lay a forfeiture of twenty pounds on the said Agents refusing so to certifye the said Instructions and Condicōns, and also enjoyne the Said Surveyors under the penalty of One hundred pounds Sterl, not to Survey any Lands for any person whatever; untill they have taken the Oathes by Law appointed to maynteyne the Succession of the Crowne & likewise an Oath for the faithfull Execution of their Offices which had never as yet been done by any of the Said Surveyors; & is wholy Submitted to her Ma^tys^ Royall Pleasure and Directions, in case the Lord Baltimore Shall thinke fitt to address her on that Occasion. Some disputes between the Lord Baltemore & Mr Wm Penn about their North and East bounds of this Province rendring the Estates of her Ma^tys^ Subjects very precarious & ambiguous on those Confines, have induced the Assembly to address her Ma^tye^ that She will be graciously pleas'd to direct the Said proprietors to run out, and Settle their Bounds, that the purchasors and takers up of Lands there may be safe in their Graunts.

My Lords. In few days with the Advice of her Ma^tys^ Councill I shall regulate and Settle the Iudicature according to the Directions of your Honble Boarde; notwithstanding our Wayward Assembly thought it improper to be done here, without rendring any Substantiall or mannerly reason whatever, for at present our Provinciall Court consisting of twelve Iustices is a mere Iest; tot homines tot Sententiæ, unless particular Interest draw them, not knowing any Rules to guide their Iudgem^ts^

Notwithstanding Wee heare not from England in Seaven eight or nine Months during this Warr, the Assembly with the like Reason that they might still continue Irregular and Gainsaying, rejected Mr Dum̄ers Proposalls for better and more Speedy Advice & Intelligence by Way of his Pacquett Boats.

And when I proposed a Law to punish the Dispersers of false and reflecting News of Affairs in Europe, during the Warr it was deny'd by our Stiffnecked Assembly whose Rea-

sons I doubt not but your Lordshipps may perceive, being they are wholy bowyed up by a gainsaying & restless party. P. R. O.

And now, my Lords, Colonel Iohn Addison Mr Robert Smith & Mr Iames Sanders, three of her Matys Councill here being dead Since the last appointment, and Colonel Robert Quary lives in Pensylvania a good distance hence, & has so much publique Business on his hands; 'tis allmost impossible to have his Advice or Assistance when wanted, & that Mr Thomas Brooke one of the Boarde never comes to Councill there is a necessity to have the Vacancys of that Boarde Supply'd. And Since there are but four left on this side the Bay to meete on any Emergency whatever, and those on the other side many tymes in bad Weather not able to come, I humbly propose Colonel Iohn Contee to be One, who lives in the midst of the most considerable Papists in Charles County, and presume Your Lordships will judge it reasonable to have a person of Spiritt & Authority where there is So absolute an Occasion althô he was not named in the List of the twelve, and Samuel Young Esqr Colonel Thomas Greenfield, & Seth Biggs Esqr if her Matye and your honble Boarde thinke fitt to remove Mr Thomas Brooke who has two owne Brothers Iesuites in the Province, & himselfe but a late Convert, & Still a favourer of that party. My Lords, One of the twelve formerly named is dead, to witt, Mr Henry Coursey, others refuse to act having streight lac'd Consciences, Colonel Bigger unable to ride on horsback hither, & others I designe within the number of the four Itinerant Iudges as Colonel Thomas Smith &c. And humbly lay the four beforementioned before your Lordps Consideration as persons of good fortune and probity. And presume for the aforegoing reasons to present a fresh List of twelve, having now a better knowledge of persons and things in this province then could be well imagined I should have So Suddainly after my arrivall here.

The Law for Ordinary Lycences will expire the next Session of Assembly, So that I wayte Your Lordps farther directions in that matter; for I am confident the Assembly will be very unwilling to anex that perquisite to Sr Thomas Laurences her Matys Secrys Office without Some Order to oblige them So to do.

Richard Clarke and his prodigall Companions lately sett an Expedient on foote to retrieve Some of their Shatter'd fortunes, and carry on their base designes which was forgeing and counterfeiting a considerable Quantity of false money like unto the peices of the Eight of Spaine and the Dollars of the Low Countrys which they made of pewter glass and other mixt Mettall; but the Cheate being presently detected,

P. R. O. the Assembly made An Act to punish Such like Offenders, & the Utterrers of Such false moneys. And since Money is become so absolutely necessary Wee earnestly begg her Gracious Ma^tye^ the Queene, will be pleased to intrust Us with a Species of small Copper Coyne, as by our Address Wee have pray'd.

My Lords I thinke it highly necessary to represent unto your Lordps that there are two Gentlemen comissionated and Stiled her Ma^tys^ Receivers within this Province the one George Plater Esqr for the District of Puttexent and the other George Muschamp Esqr for the District of Potomeck, through Mr Platers hands considerable Sumes of money pass yearly; but through the other Mr Muschamps very little, his Collection of the 3^d^ ꝑ hh^d^ for which he is accountable for Severall years has not amounted to above thirty odd pounds ꝑ Annum, & yet he as well as the other Receiver have each a Sallary allotted of one hundred pounds ꝑ Annum which they are authorised to take out of the fynes and forfeitures within this Government, which for many years will not halfe pay them, So that these Gentlemen seeme much dissatisfyed thō I thinke Mr Muschamp has little reason, his Office being needless, and might well be supply'd by the other Receiver, without any further Sallary.

I have Sent a Sloope well mann'd to North Carolina to demand Some persons who have fledd hence from Iustice, and to learne what Law is made there to harbour others from paying their just Debts, which has occasioned great Numbers to flye from this Province thither to the great Detriment of Merchants in England & cheating the honest well meaning people of this Country for if they have as I am informed made a law there, to protect any person from being sued during five Years It will give an handle to many knavish people to gaine large Creditts and run thither to defraude their just Creditors, and not only to tend the lessening the Number of taxable persons here, but to the depopulating her Ma^tys^ more usefull adjacent Colonys, & Plantations. And now as our poverty increases So fresh Villanys are carryed on intirely to Subvert the Government; When I have their answer I will transmitt it to Your hon^ble^ Boarde, and doubt not, but your Lordps will find out an Expedient to have this pernicious practice Stopt, otherwise many persons will go to North Carolina and her Ma^tys^ Revenue hence be Suncke to a Scantling. The generality of the people in this Province have good tracts of Land and Stocks of Cattle and hoggs; but being in debt to the Merch^ts^ Consignees in England, they Send them little or no goods at all, most of the Shipps comeing from London upon freight, in their Bal-

last with their provisions only for the Voyage, So that many people here are almost starke naked, which has occasioned Some to turne their hands to manufacture of Lynnen and Woollen, and if your Lordps in your wisdome do not find out Some Expedient to have the Necessity of the Country relieved, by obliging the Merch^ts to Send Supplys; it may be of ill consequence to the Revenue arising on tob^o, which will be in Greate measure layd aside by Such who find they can have nothing for it. P. R. O.

My Lords I humbly presume to acquaint You that there neither is or hath been any Guardship at the Capes Mouth for these twelve Months So that her Ma^tys Plantations of Virginia and Maryland are obnoxious to the Insult of any Rascally Pyrate or Privateer who may come and go & burne what Shipping happe[ns] to be in the Countrye at pleasure. And have this Day an Acco^t of a privateer lying off the Capes, which has taken Severall Vessells comeing into these Plantations and having unman'd himselfe to Secure them is retired in order to a fresh Expedition.

I hope Yo^r Lordps are by this tyme Satisfyed I have done what was incumbent on me, concerning the Prizes, & will in everything to the best of my Skill obey your Comands; & am with the greatest Duty & Respect imaginable

My Lords
Your Lordships most obedient and
faithfull humble Servt

Maryland June 10, 1707 Jo: Seymour

[Dated] Maryland March 10, 1708/9. B. T. Md. 5.
Gov: Seymour to [Board of Trade]

My Lords.

Though I wrote to your Lordships very lately of the 18th of Novemb: by the way of New-Yorke, and of the tenth of Ian^ry last by a Small Briganteen hence; Yet now having the Oportunity of the Catherine of London, a Ship of Good Countenance, I have herewith transmitted to your honourable Board the Laws and Iournalls of our last Assembly: By which Your Lordships will See I have not faild in my Duty to lay her Ma^tys Royall Comands before the Generall Assembly, and with all the dilligence & Industry I was capable of, heartily to recomend them to their ready Complyance; But as there was not any person of liberall Education that appear'd there, it was too difficult a Taske for me, to graft good manners on so barren a Stock; So they have once more refus'd to do anything therein, Save the addressing her Ma^tye

P. R. O. an answer to Sr Thomas Laurences Complaint, and the Gauge of tob^o hh^ds

Her Ma^tys Royall Comands, and the reviving the temporary Laws, especially those for defraying the necessary Charges of the Province, discharging the publiq debts of this Year, & settling the Itinerant Iustices requir'd the Meeting of this Assembly, and I had Some Small hopes from their Address to me at the opening of the Sessions, they would have had a Greater reguarde for my Advice to them, but there were not Some Envious & Malicious Spiritts wanting to create heats and Iealousyes among the Members of the lower House; So that it was with great difficulty they consented to revive the Act for Ordering & regulating the Militia of this province, for the better defence & Security thereof, untill the End of the next Session of Assembly; as they have done the Act for Lymitation of Officers fees with the like Reluctancy and lymitacōn of tyme, being very desirous to render those who are dependent on the Government as meane as may be, and discourage persons of any tollerable Qualifications from discharging the Severall offices therein; And this partly to Satisfye their owne Envious tempers, because they have not what others better deserve, and partly being instigated by a restless and pernicious Crew, who, thō they enjoy her Ma^tyes Gracious protection, are the declared Enemys of our Church and State, and the busiest at the Severall Elections in the Countys where they reside, to get Such ignorant & obstinate people return'd, who will pursue their destructive Notions and countenance their illegall proceedings.

There are three things in this province which make the Governm^t very uneasye. The Lord Proprietor and his Agents and a Greate many of his and their Relations being Roman Catholiques, and constantly providing and maynteyning Severall busie Iesuites. The Act of Assembly for the Advancement of the Natives, and residents of this province, And the Ambition and large Iurisdiction of the County Court Iustices. The first, by his Lordships favour in Lands, not only makes a considerable Interest with many of the Inhabitants and Delegates, but also gains many proselites, their priests being encouraged and Supported by them on all Occasions, So that one of them had the Confidence to tamper with one of my domestiques; and when they are checqu'd for these Abuses, the whole party is in a flame, and ready to raise a considerable Contribution for their Defence & Protection, and with the Extreamest Spite and Malice exclayme against the Severity as they term it of her Ma^tys Instructions (which indeede would be none, would they conteyne themselves in any reasonable Bounds) and often are heard to

declare that this province was favourably created by King Charles the 1rst as an Asylum for them, which indeede it might be could they be contented, and not continually give Occasion of Scandall and Offence to the Government by the illegall practices of their priests and the Vain Malicious lyes they dayly invent, and disperse, to lessen the Glory of her Matys, and her Confederates happy Successes. P. R. O.

The Second (which I have heretofore layd before your honble Board) rendring this province more unfortunate than any other of Matys Plantations, by imposeing so Great an hardship on her Matys free Subjects of Greate Brittaine, and other her Dominions, that they shall not be capable of having or enjoying any Office or Trust in this Government untill they have resided here three full years. This discourages all ingenious men to seek their fortunes in Maryland: And in the Space of fourteen years, there are scarce fourteen men who have undergone that tedious Disability So that the Natives who are ignorant, and raw in busieness, and naturally proude, and obstinate, are not only the Representatives in Assembly, but the Iustices of the County Courts: and by the name of Country borne, distinguish themselves from the rest of her Matys Subjects, and run into great heats and divisions, which may be of ill Consequence; for as they know little of the laws and good Manners they practice less.

Thirdly many of the County Court Iustices for many years last past, having been on return'd as Delegates to the Generall Assembly, on all Occasions have sought to corroborate and establish their Iurisdiction, by severall Acts of Assembly made of late Years, that they allmost believe themselves independent of the Queens Governour, and were I to change them for others, there is so little Choice, the remedie might be worse than the disease. These Iustices especially if they are dealers, which everybody here are, that have anything before-hand, not only countenance their Customers, but too often favour One the Other, and would have all things under their Iurisdiction and Administration, tho' they are never so meanly qualified for the Trust; And therefore though with their tongues, when Seperate, they applaude the new Institution of the Itinerant Iustices; yet when any of them are in the House of Delegates, they leave no Stone unturn'd to render it precarious, and abortive by refusing the Settlement of a competent Sallary, to enable the four Provinciall Iustices to performe their Duty, and by severall other crafty Evasions looking upon their Honour and Grandeur to be highly eclipsed & impaird by the Provinciall Iustices comeing to hold the Assizes, and before the Appearance of their full Countys, giving handsome, and regular Charges to the Grand Iurys of Inquest, thereby

P. R. O. acquainting the people, of their Duty to God, their Soveraigne, and Country, which these Iustices of the County Courts never do, were any of them capable thereof, So that the Country borne as they terme themselves neither know their Duty to the Queens Ma^tye^ nor the Respect they owe the Civill Magistrate, Wherefore Seing their Ignorance and Ambition will not suffer them to do what in all honesty, and good Conscience, they ought for the Service of their Country, I know not how these Iustices, Who are the only asserters of her Ma^tys^ Royall Prerogative can be Supported, unless her Ma^tye^ is pleasd to direct the Councill and myselfe Should pay each of them One hundred and twenty pounds ꝑ Annū, out of the Imposts rais'd for the defraying the necessary charge of this Province, which will very well answer that, and the other necessary Contingencyes, the Iustices of the Provinciall Court as it Stood before this Regulation having been as great a Charge to the Province, without any Encouragement to them.

The Severall Laws for the Imposts are now revived for three Years & better, So that there will be a certaine Supporte for three years at least to those Iustices; but without her Ma^tys^ express Direction I shall not presume to make them any Allowance for their Service.

According to a former Direction of the hon^ble^ Boarde I have made Some Observations on the Severall laws enacted this Session, which are inclosed, and most heartily begg pardon for anything, that may have Slipt my Notice, having been So very ill, that I could not Sitt in Councill above three or four days, during the whole Session, and have not been able to go out of my house ever since.

I should be very glad to have her Ma^tys^ Royall Comands about running out the Northern Lyne of this Province, or to heare my Lord Baltimore and Mr Penn had adjusted that matter between themselves, there being many hot disputes; So that the people of both provinces are, with much ado, restrayned from comitting Violence on each other, Which I should be Sorry to see, and in the meane tyme will take the best care I can to prevent it, And in all other things endeavour to distinguish my Zeal for her Ma^tys^ Service, and Obedience to your Comands being

My Lords
Your Lordships
most Dutyfull humble Servt

Maryland March 10th 1708/9 Io: Seymour

B. T. Md. 6. [Undated: enclosure in a letter of the 4th of February 1714/15 from Mr Secretary Stanhope to the Council of Trade.]

The Petition of Benedict Leonard Calvert to the King. P. R. O.

To the King's most Excellent Majesty

The humble Petition of Benedict Leonard Calvert Son of Charles Lord Baltemore

Sheweth

That he having for some years expressed to severall, his Inclinations to become a member of the Church of England, determined in November 1713, to declare himself so, and accordingly soon after publickly renounced the Romish Errors, and received from the hands of the Bishop of Hereford, the blessed Sacrament of the Lords supper, in the Church of St Anne Westminister.

That the Lord Baltemore his Father (whom he had some time before acquainted with his Resolutions) resented this So much that he withdrew four hundred & fifty Pounds ꝑ annum of what he had for severall Years allowed him, which he (a little before yor Petitioners changing his Religion) assured him (by a letter under his own hand) he intended to continue.

That by this unkindness of his Father yor Petitioner was reduced to live upon his marriage settlement, which is but Six hundred Pounds ꝑ Annum, & out of which he allows his Wife two, for seperate Maintenance.

That yor Pet^r^ hath Six children, four Sons & two Daughters, all which his Father Educated, & at his own charge maintain'd in Popish Seminaries abroad, without any deduction, either from the monys arising from his marriage settlement, or the Four Hundred & Fifty Pounds ꝑ annum above mentioned.

That yor Pet^r^ immediately after his changing his Religion, sent for his children, and placed them all in and about London at protestant Schools, where they now are.

That her late Majesty was Graciously pleased, out of her Royall Bounty, in Consideration of yor Pet^r's^ hard usage from his Father, & his slender Fortune during his Father's life, to grant him a Pension of Three hundred Pounds ꝑ Annum, For the maintenance of his Children during the life of his said Father, who is Eighty Five Years old, & longer than his Father's life yor Pet^r^ neither did, nor doth desire any Pension.

That (at yor Pet^r's^ request, & that he might have some Farther relief in his p^r^sent Circumstances) her Majesty was also pleased to appoint Captain Iohn Hart, Nephew to the p^r^sent Arch Bishop of Tuam who had served severall Years both in Spain & Portugall Govern^r^ of Maryland, who out of the Proffits thereof has obliged himself to render yor Pet^r^ the sum̃e of £500. ꝑ Annum.

P. R. O. That the Government of Maryland is a Proprietary Governm^{t}, & will be in yor Pet^{r} upon the decease of his Father.

That yor Pet^{r} having severall times taken all the Oaths to the Governm^{t} as well as the Sacrament in the Church of England, & having allways demeaned himself with the utmost Duty & affection, towards yor Majesty & Government

Therefore humbly prays, that yor Maj^{ty} will be Graciously pleased to continue his Pension, for the support of his children, during his Father's life, & Farther prays, that Captn Hart's Comission may be renewed; But if there are any objections that may avail against Captn Hart's being continued, yor Pet^{r} humbly craves, he may himself be sent Govern^{r} of the said province, during his Father's life, with a saving to all the Rights of the Patent, which is his Inheritance.

And yor Pet^{r} shall (as in Duty bound) ever Pray &c^{a}

Ben: Leo: Calvert

Lib. H. D. p. 637 Robert Quary Esqr Surveyor Generall of her Maj^{tys} Customs on the Continent of North America and Islands adjacent, To John Dansey Esqr

By Virtue of a Deputation Granted unto me by the Hon^{bles} the Commissioners of her Maj^{tys} Customs in London bearing Date the second Day of November 1703. Grounded on a Warrant from the R^{ght} Honble the Earl of Godolphin Lord High Treasurer of Great Brittain, in pursuance likewise of Additionall articles of Instructions from their Honnours dated at the Custom house in London the 14th Day of ffebruary 1705. Directing me amongst other things that in Case of any Vacancy by the Death or Want of any Officers of the Customes or otherwise to Depute and Impower some fitt and able Person to serve therein. Finding Great want of a Collector of her Maj^{tys} Customs in the River & District of Pattuxon in the Province of Maryland, occasioned by the Death of George Mushchamp Esqr Latly Collect^{r} of her Maj^{tys} Customs in the said District, I Do therefore hereby Depute and Impower you the s^{d} John Dansey Esqr to be Collector of her Maj^{tys} Customs and of all the Rates Dutys & Impos^{os} arising & Growing due to her Maj^{ty} in the said District of Potuxon by virtue of an act of Parliament maid in the 25th year of the Reigne of King Charles the Second Entitled an Act for the Encouragement of the Eastland & Greenland Trade & for the better securing the plantation Trade. Whereby you have power to Enter into any Shipp Bottom Boat or other Vessell as also into any Shop House Warehouse Hostry or other place what soever for any Goods, Wares Merchandizes Prohibited to be Imported or Exported, or whereof the Customs or other Duties have not been Duely payd, and the

same to seize to her Maj^{tys} Vse & also to put in Execution Lib. H. D.
all other Lawfull Powers & Authoritys for the better managing & Collecting the said Dutyes in all things proceeding as the Law directs And I Doe by Virtue of the authority af^{d} Impower and authorize you to Appoint one or more fitt Person or Persons to be Deputy or Deputys under you with the Approbation of the Honble the Comissioners or the Survey^{r} Gen^{ll} for the Time being in any of the said Ports, Harbours, Inletts Bays or Creeks for whom you are to be Responsable, and from whom you are security to take Hereby praying and Requireing all and Every of her Maj^{tys} Officers Civill & Military and all others whom it may Concerne to be aiding and assisting to you in all things as becometh, Given under my hand & seal of office in Philadelphia this fifteenth Day of November in the Eight year of the Reigne of our Soveraign Lady Anne Queen of Great Brittain France & Ireland &c Annoq Dñi 1709

Robt Quary

[Kent County Boundary.]

Maryland

Kent County

Pursuant to An Act of Assembly Entituled An Act for the p. 638
Dividing and Regulating of Severall Countys on the Eastren Shore &^{c}

These therefore may certify that Wee the Subscribers hereof being authorised and Appointed by the said Act for to have the County of Kent Regulated and the Bounds thereof ascertained according to the Direction of the said Act have this Day to witt the 12th day of August 1706 Called before us Iames Harris Deputy Surveyor & have runn as followeth viz. Beginning at the South end of the Long horse Bridge at the head of Sassafrax River and running East and by South and by a Double Line of Marked Trees untill it over the main Bridge of Black Birds Creek and to the Extent of the said Province of Maryland. It being the Division Line between the aforesaid Kent County & Cæcill as wittness our hands and Seales the Day and year above mentioned &c.

Tho: Smith
Elias King
Edward Blay
W^{m} ffrisby
Wm Harris
John Wells

PROCEEDINGS

OF THE

COUNCIL OF MARYLAND

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

JOHN HART, ESQ.
Governor.

1714–1716.

Maryland ss. Lib. W. B.

At the Council held at the Council Chamber in the City of Annapolis Wednesday Octob^{r} 27, 1714.

Present

His Excellency John Hart Esqr Cap Gen^{rll} & Govr in cheif &
The Honb^{le} Col Edward Lloyd Lt Col Saml Young
Col Wm Holland Col Thomas Greenfeild &
Col Wm Coursey Lt Col Richard Tilghman.

His Excellency is pleased to Acquaint the Board That thô he has no regular notice of the loss We have in the Death of our late Sovereigne Lady the Queen, and how happy We are like to be in our now Sovereigne Lord the King, Yet he thought it advisable to lay before them

The following Declaration Viz:

Whereas it hath pleased Almighty God to call to his Mercie our late Sovereigne Lady Queen Anne, of Blessed Memorie, by whose Decease the Imperial Crowns of Great Britain, France, and Ireland, are Solely and Rightfully come to the High and Mighty Prince George Elector of Brunswick Lunenburgh: We therefore the Lords Spiritual and Temporal of the Realme, being here Assisted with those of Her late Majesties Privy Council, with Numbers of other Principal Gentlemen of Quality, with the Lord Mayor A Berincle and Citizens of London, do now hereby wth one full voice and Consent of Tongue and Heart Publish & Proclaim in that the High and mighty Prince George Elector of Brunswick Lunenburg, is now by the Death of our late Sovereigne, of Happy Memory, become our onely Lawful and Rightful Leige Lord George by the Grace of God King of Great Britain France and Ireland, Defender of the Faith &c. To whome we do acknowledge all Faith and constant Obedience, with all hearty and humble p. 2
Affection: Beseeching God by whome Kings and Queens do Reigne, to bless the Royal King George with Long & happy years to Reigne over us.

Given at the Palace of St James's, the first day of August 1714

God Save the King.

Thos Cantuar	Gernesey	Ja: Vernon
Harcourt C.	Cowper	John West
Buckingham P.	Searsdale	Jno Povey

Lib. W. B.

Shrewsbury	Cardigan	Thos Onslow
Dartmouth C. P. S.	Grantham	Robt Munro
Portmore	Bruce	Geo: Beaumont
Loudoun	Stair	Rockingham
Findlater	St. Albans	Carteret
Oxford	Hay	Bathurst
Argyll	Ossulston	Dundonald
Kent	Dunmore	Kilsyth
Radnor	Willoughby de Broke	Thos Frankland
Poulett	Edward Northey	Sherard
Ferrers	Robt Raymond	Geo. Treby
Somerset	Delaware	Alx. Abercrombie
Northumberland	Hollis Ld Pellham	Ch: Cholmondeley
Ormonde	Dunbarton	Robt Marsham
Roxburgh	John Eyles	Jo. Midleton
Mar	Arthur More	Heneage Finch
Sunderland	Harley	Jo. Pringle
Rochester	Nath. Gould	Jas Scott
Northampton	Ra Freman	R. Edgcumbe
Marischall	Ch. Ross	Wm St Quintin
Joh: London	Nichs Carcis	H Walpole
Bolinbroke	John Bland	Cha. May
Halifax	I. Hynde Cotton	Chr. Wren
Oxford & Mortimer	W. Pulteney	C. Aldworth
Mansell	Ab. Abbercromby	John Pepper
Lexington	Jno Lowther	Acton Baldwyn
Lansdowne	Thos Clarges	Ar: Hutcheson
Pagett	John London	John Gape
Berkeley	James Stanhope	Wm Cadogan
Guilford	Edwd Harley	R. Bruce
Somers	H. Boyle	W. Morison
W. Bromley	John Trevor	Robt Bristow
Bingley	J. Holland	Hugh Hughes
Dorset	Ri. Onslow	Husdon
Lincoln	J. Hill	R. Rich
Montagu	Wm Harvey	J. Montgomeric
Berkeley	J. Smith	Thos Conyers
Grafton	Chris. Musgrave	Mountjoy
T. Coke	Edwd Southwell	Jo: Cockburne

Part of the London Gazette Numbr 5247

Published by Authority

From Saturday July 31st to Tuesday August 3d 1714

London August 1st

p. 3 This day at halfe an hour past Seaven in the morning died our late most Gracious Sovereigne Queen Anne in the fiftieth

Year of her Age and the thirteenth of her Reigne; A Princess Lib. W. B.
of Exemplary Piety and Virtue; Her Majesty complayned on Thursday last of a pain in her Head: the next day she was seized with Convulsion Fitts, and for some tyme lost the use of her Speech, and Senses, which thô she afterwards recovered upon the application of Proper Remedies, She continued in a very weak and languishing condition till she expired. Upon her Death the Lords of the Privy Council immediately Assembled at St James's and gave Orders for Proclayming the most High and Mighty Prince George Elector of Brunswick Lunenburg, King of Great Britain France & Ireland &c. His Majesty was accordingly Proclaymed wth the usual solemnity before the Gate of His Palace at St James's, at Charing Cross, at Temple Bar, at the End of Wood Street in Cheapside and lastly at the Royal Exchange Great Numbers of the Nobility and Principal Gentry assisted at each Proclamation, and attended in their Coaches during the whole Solemnity.

Part of the London Gazette Number 5248

Published by Authority

From Tuesday August the 10th to Saturday Aug. 14th 1714

Westminster August 5th 1714

This day the Lords Justices appointed to Administer the Government till the Arrival of his Majesty came to the House of Peers and sent a Message by Sr Wm Olds Gent. usher of the Black Rod requiring their Attendance. The Commons went up accordingly and the Lord Chancellor being one of the Lords Justices in their name made the following Speech to both Houses of Parliament.

My Lords & Gentlemen.

I having pleased Almighty God to take to Himselfe Our
late most Gracious Queen of Blessed Memorie Wee hope p. 4
nothing has been ommitted which might contribute to the safety of these Realms and the Preservation of Our Religion Laws and Liberties in this great Conjecture. As these Invaluable Blessings have been secured to us by those Acts of Parliam^t^ which have settled the Succession to these Kingdoms in the most Illustrious House of Hannover We have regulated Our Proceedings by those Rules which are therein p^r^scribed.

The Privy Council soon after the Demise of the late Queen, Assembled at St James's where according to the s^d^ Acts of Parliament the three Instruments were produced and opened,

Lib. W. B. which had been deposited in the hands of the Arch Bishop of Canterbury, the Lord Chancellor and the Resident of Brunswick: Those who either by their Offices or by Virtue of these Instruments had the Hon^r of being appointed Lords Justices did in Conjunction with the Council immediately proceed to the Proclayming of our Lawful and Rightful Sovereigne King George taking at the same tyme, the necessary Care to maintain the Publique Peace.

In pursuance of the Acts before mentioned this Parliament is now Assembled, and are ꝑswaded you all bring with you so hearty a Disposition for His Majesties Service and the Publick Good that we cannot Doubt of your Assistance in every thing wch may promote those great Ends.

Gentlemen of the House of Comons

Wee find it necessary to put you in minde th^t severall
p. 5 Branches of the Publique Revenue are expired by the Demise of Her late Majesty, and to recommend to you the making such Provisions in that Respect as may be requisite to support the Hon^r and Dignity of the Crowne and We assure Ourselves you will not be wanting in any thing th^t may conduce to the establishing and advancing of the Publique Credit.

My Lords and Gentlemen

We forbeare laying before You anything that does not require Your immediate Consideration not having received his Majesties Pleasure, We shall onely Exhort you to the greatest Earnestness to a perfect Unanimity and a firm Adherence to our Sovereignes Interest, as being the onely means to continue among us our P^rsent Happy Tranquility.

By the Lords Justices

A Proclamation.

Requiring all Persons being in Office of Authority or Government at the Decease of the late Queen to Proceed in the Execution of their respective Offices.

Harcourt	Shrewsbury	Devonshire
Somerset	Bolton	Kent
Argyle	Roxburghe	Scarborough
Nottingham	Abbingdon	Hallifax
Oxford	Townshend	
	Cooper & T Parker	

Whereas by an Act made in the Sixth Year of the Reigne Lib. W. B.
of her late Majesty Queen Anne Intituled an Act for the Security of her Majesties Person and Govm^t and of the Succession of the Crowne of Great Britain in the Protestant Line, It was Enacted that no Office Place or Imployment Civil or Military within the Kingdoms of Great Britain or Ireland Dominion of Wales Towne of Berwick upon Tweed p. 6
Isles of Jersey Guernsey Alderny and Sark or any of Her Majesties Plantations should become Void by reason of the Demise of Her s^d late Majestie her Heirs or Successors Kings or Queens of the Realme, but that every Person & Persons in any of the Places Offices and Imployments afs^d should continue in their respective Offices Places and Imployments afs^d for the Space of Six Months next after such Death or Demise, unless sooner removed and discharged by the next Successor to whome the Imperial Crowne of this Realme was Limited and appointed to go remain and descend; And that all Officers in any offices places or Employments who should be by that Act continued should take the Oaths therein mentioned, And do all other Acts requisite by the Law of this Realme to quallifie themselves to be and continue in such their respective Places Offices and Employments within such Tyme and in such manner and under such Pains Penalties and Disabilitys as they should or ought to do had they been newly Elected, appointed Constituted and put into such Offices Places or Employments in the usual and ordinary way Bee therefore wth the advice of His Majesties most honb^le Privy Council do Hereby Direct and Command th^t all Persons who at the tyme of the Decease of the s^d late Queen were duly and lawfully Possess'd of or invested in any Place or Employment Civil or Military within the Kingdoms of Great Britain or Ireland Dominion of Wales Towne of Berwick upon Tweed p. 7.
Isles of Jersey Guernsey Alderney and Sarke or any his Mat^ys Plantations do wth the first opportunity take the respective Oaths of Office and all other Oaths as required by the s^d Act, And in the meantime do not faile every one severally according to his Place Office or Charge to proceed in the Performance and Execution of all Duties belonging to their respective Offices And we do hereby require & comand all his Mat^ys Subjects to be aiding helping & Assisting at the Comandment of the s^d Officers & Ministers in the performance and execution of their respective Offices and Places as they and every of them tender his Majesties utmost Displeasure and will answer the Contrary at their Perill

Given at the Court at St James's the fifth day of August 1714 In the first Year of Our Reign.

God Save the King.

Lib. W. B.

Votes of the House
of Commons

Veneris 10th die Augusti: 1714

Severall other Members p'sent tooke the Oaths & made and Subscribed the Declaration and also tooke & Subscribed the Oath of Abjuration according to the Act of the Sixth Year of Her late Majesties Reigne, Intituled, An Act for the security of Her Majesties Person & Government and of the succession of the Crowne of Great Britain in the Protestant Lyne.

A Bill for the better Support of his Majesties Houshold, and of the Honour and Dignity of the Crowne of Great Britain, was read a second tyme and Comitted to a Committee of the whole House.

Resolved that this House will to Morrow morning Resolve itselfe into a Committee of the whole House upon the sd Bill.

Resolved Nemine contradicente that it be an Instruction to the sd Committee of the whole House tht they have Power to receive a Clause to Empower the Lord High Treasurer or Commissioners of the Treasury for the tyme being to Issue the summe of £65022 8l 8d being the Arrear due to the Troops of Hannover for their Service in the Low Countries in the year 1712 out of the £300000 granted in the last Session of Parliament to her late Majesty towards Satisfying the Debt due on Account to the Land Forces.

Resolved Nemine Contradicente that it be an Instruction to the sd Committee of the whole House that they have power to receive a Clause to Enable and require the Lord High Treasurer or Commissioners of the Treasury for the tyme being to Issue out of any Mony granted by Parliament the summe of 100000l to be paid to any Person or Persons who shall Apprehend the Person of the Pretender, if ever he should Land or Attempt to Land in any of His Majesties Dominions.

A Bill for Rectifying Mistakes in the Commissioners Names for putting in Execution the Act passed the Last Session of Parliament Intituled an Act for Granting an Aid to her Majestie to be raised by a Land Tax in Great Britain for the Service of the year Seventeen hundred and fourteen was read a second tyme and committed to a Committee of the whole House.

Resolved that this House will upon Tuesday Morning next resolve itselfe into a Comittee of the whole House upon the sd Bill.

p. 9 Ordered that it be an Instruction to the sd Comittee that they have Power to receive a Clause for the Continuing untill the End of the next Session of Parliament all such Laws as

would otherwise Expire at the end of this Session of Parliament. Lib. W. B.

A Message from the Lords Justices by Sr Wm Oldes Gentleman Usher of the Black Rod.

Mr Speaker,

The Lords Justices Comand the immediate Attendance of this Honb^le House in the House of Peers.

Accordingly Mr Speaker wth the House went up to the House of Peers

And being returned,

Mr Speaker reported, that the House had Attended in the House of Peers, Where the Lord Chancellor did in the Name of the Lords Justices of Great Britain deliver a Speech to both Houses of Parliament of which for p^rventing Mistakes he had obteyned a Copy.

Mr Speaker read the Speech to the House, which is as follows Viz.

My Lords & Gentlemen

It is with great Satisfaction we can now tell you that we have this Morning received a Letter from the King wherein His Majesty is graciously pleased to acquaint Us that His Majesty is hastening hither to employ his utmost care for putting these Kingdoms into a happy and flourishing condition. He has Comanded Us in the mean time to continue Our Care of every thing that may Conduce to the Peace and Safety of his Dominions. And We are Assured that if this had required his more immediate P^rsence He wou'd without the least Delay have repaired hither for the support of so Dutiful & faithfull Subjects for his Majestie doth very par- p. 10
ticularly Express His great Satisfaction in the Loyalty & Affection wth which his People have universally shewne upon his Majesties Accession to the Crowne.

At the opening this Session We did not mention to you the Apprehensions we then had from the Smallness of the Summe at that Tyme Advanced that the Lottery woud not be full being desirous in the first Place to Try to make it Effectual in the manner the Parliament had Established it: but we are obliged now to acquaint you That all our Endeavours have failed of the desired Success tho the Contributions have been considerably Encreased.

We must therefore earnestly recommend to You Gentlemen of the House of Commons, to take this into Your Consideration and to give such further Encouragement as You shall think Proper for raising the whole Summe which was

Lib. W. B. intended and is absolutely necessary for carrying on the Service of the Year.

Resolved Nemine Contradicente, that an humble Address be presented to his Majestie to returne the humble thanks of this House for the Satisfaction his Majesty has been pleased to Express in the Loyalty and Affection which his Subjects have universally shewne upon his Majestys Accession to the Throne and for his Gracious Intentions of making his People speedily happy with his Royal P^r^sence and also to assure his Majestie of the Continuance of the same Zeale and Affection to his Majestie upon all Occasions, and that this House will contribute their utmost Endeavours for
p. 11 p^r^serving the Publick Peace untill his Mat^ty^ shall arrive.

Ordered that the s^d^ Address be p^r^sented to the Lords Justices with the Decree of this House that They will transmitt the same to his Majestie wth all Convenient speed

Ordered that the s^d^ Address be P^r^sented to the Lords Justices by such Members of this House as are of his Majesties most Honb^le^ Privy Council.

Resolved that this House will to Morrow Morning resolve it selfe into a Committee of the whole House to consider of that part of the Speech of the Lords Justices wch relate to the Lottery.

Ordered tha^t^ the Lords Justices Speech be referred to the s^d^ Committee.

And then the House Adjourn'd till to morrow morning nine of the Clock.

And part of a Letter from the Postmaster of New York to the Post Master of Philadelphia

New York October 18th 1714

Mr Flower

On the 11th Instant the Obsequies of Our late Sovereigne Lady Queen Anne of Blessed Memory were performed here wth great Decency & Order About eleven in the Morning, & about one of the Clock the same day The High & Mighty Prince George Elector of Brunswick Lunenburgh was Proclaymed here King of Great Britain France & Ireland &c first at his Mat^ys^ Fort & afterwards at the City shall whether his Excellency Our Govern^r^ was Attended by the Garrison under Arms & all Our Militia both Horse & Foot his Majesties Council the Corporation and all the Principal Gent^n^ & Inhabit-
p. 12 ants of the Place with Musick Playing before them and a double Guard being made by the Militia from the Fort to the City Hall The Regular Forces & all the Militia fired severall Vollys with Huzza's & loud Acclamations of Ioy & all the

Guns of Garrison made a Triple Discharge wch were followed by his Majesties Ships & the other Ships in the Rhoad. Lib. W. B.

And thereupon askt the Opinion of the Board whether it is not very fitting his most Sacred Mat^y^ King George should be Proclaymed without Expecting farther Directions.

Upon which it was put to the Vote whether the King shou'd not be Proclaymed to Morrow Notwithstanding his Excellency has not any judicial Notice of Her Mat^ys^ Demise.

And Resolved nemine Contradicente that the most High & Mighty Prince George Elector of Brunswick Lunenburgh be to Morrow by twelve of the Clock Proclaymed in this City King of Great Britain France & Ireland Defend^r^ of the Faith &c.

And further Advised that His Excellency will Issue his Proclamation to the severall Counties Commanding the Respective Sherriffes forthwith to Proclayme his s^d^ Majestie with all the Solemnity possible.

And the following Proclamation being read & approved was ordered to Issue Viz.

By His Excellency the Capt Genl p. 13

A Proclamation.

Whereas It hath pleased Almighty God to call to his Mercie Our late Sovereigne Lady Queen Anne of blessed Memorie by whose Demise the Imperial Crowns of Great Britain France & Ireland are Solely & rightfully come to the High & Mighty Prince George Elector of Brunswick Lunenburgh I do therefore by & with the Advice of his Majesties Honb^le^ Council within this Province Publish this my Proclamation Notifying the same to all His Mat^ys^ good Subjects and Straitly Charging & requiring the severall Sherriffes of the respective Counties of this Province their next full County Courts with all the Solemnity Possible to Proclayme & Publish that the s^d^ High & mighty Prince George Elector of Brunswick Lunenburgh is by the Death of Our late Sovereigne of happy Memory become our onely lawful & Rightful Leige Lord George by the Grace of God of Great Britain France & Ireland King Defend^r^ of the Faith & to whom we do Acknowledge all Faith & Constant Obedience with all Hearty & healthful Affection with one full Voice & Consent of Tongue & Heartily declaring the same & beseeching God by whom Kings & Queens do Reigne to bless the Royal King George wth long & happy years to Reigne Over us.

Given at the City of Annapolis the 27th day of October in the first year of His Matys Reigne &c. Annoq^r^ Dni 1714.

God Save the King.

Lib. W. B. p. 14 Likewise Advise that Proclamation Issue declaring all Persons in Office to be continued therein during the Tyme Lymitted by Act of the 5th & 6th of Queen Anne & requiring them to take the Oaths by that Act prscribed which being prpared was read & approved of & this as follows Viz.

By His Excellency the Capt Genrll

A Proclamation

Whereas by an Act of Parliamt made in the Sixth year of the Reigne of her late Maty Queen Anne Intituled an Act for the Security of Her Matys Person & Governmt & of the Succession of the Crowne of Great Britain in the Protestant Lyne It was Enacted that no Office Place or Imploymt Civil or Military within the Kingdoms of Great Britain or Ireland Dominion of Wales Towne of Berwick upon Tweed Isles of Jersey Guernsey Alderney & Sarke or any of Her Maty Plantations shoud become Void by reason of the Demise of her sd late Maty Her Heirs or Successors Kings or Queens of Great Britain But that every Person & Persons in any of the Offices Places & Employments aforesd should continue in their respective Offices Places Employments for the space of six months next after such Death or Demise unless sooner removed & discharged by the next Successor to whom the Imperial Crowne of Great Britain was limited & Appointed
p. 15 to go & remain & descend And that all Officers in any Offices Places or Employmt who should be by that Act continued shou'd take tht Oaths therein mentioned & do all other Acts requisite by the Laws of Great Britain to Quallifye themselves to be & Continue in such their respective Places Offices & Imploymts within such Tyme & in such manner & under such Pains Penalties & Disabilitys as they shou'd or ought to do had they been newly Elected appointed Constituted & put into such Offices Places or Imployments in the Usual & ordinary way I do therefore by & wth the Advice of His Matys Honble Council within this Province Issue this my Proclamation hereby directing & requiring all Persons who at the Tyme of the Decease of her sd late Majesty to witt the first day of August last were duly & lawfully Possess'd of or Invested in any Place or Imploymt Civil or Military within this Province with the first opportunity to take the respective Oaths of Office and all other Oaths as required by the sd Act And in the meantyme that they do not faile every one severally according to his Place Office or Charge, to pceed in the performance & Execution of all Duties belonging to their respective Offices And I do further in his Matys name hereby re-

quire & Command all his Subjects here to be aiding helping Lib. W. B.
& Assisting to them in the Performance & Execution of their respective Offices & Places as they will answer the Contrary at their Perills. Given at the City of Annapolis the 27th day of Octobr in the first year of Reigne of Our Sovereigne Lord George by the Grace of God of Great Britain France & Ireland King Defendr of the Faith &c. Annoq Dni 1714

God Save the King.

Then His Excellency the Governr took the Oaths appointed p. 16
instead of the Oaths of Allegiance & Supremacy & also tooke & Subscribed the Oath appointed to be taken by the Act of Parliamt made in the 5th & 6th Years of the Reigne of her late Majesties of Glorious Memorie Intituled an Act for Security of Her Majesty's Person and Government & of the succession to the Crowne of Great Britain in the Protestant Line. And the Oath of Governr usually taken within this Province As also the Oath appointed by the Act of Parliament made in the twelveth year of the Reigne of King Charles the second Intituled an Act for the Encrease of Shipping & Encouragemt of Navigation, And Enjoyned to be taken by all Govnrs of any of his Majesties Plantations relating to the Trade & Navigation therein & Subscribed the Test.

The Honble Members of His Majesty Council prsent Viz. Col Edward Lloyd Samll Young Esqr Col Thos Greenfeild Col Wm Holland Col Rd Tilghman, & William Bladen Clerk of the Council took the afsd Oaths to his prsent Majesty appointed instead of the Oaths of Allegiance & Supremacy also the afsd Oath appointed by the sd Act of Parliamt of the 5th & 6th years of her sd late Matys Reign & the Severall Oaths of Counsellar & Clerk & Subscribed the sd Oath appointed by the 5th & 6th of Queen Anne & likewise the Declaration commonly called the Test.

Ordered that fair Transcripts of the Oaths mentioned in the Act of the fifth & Sixth of Queen Anne be sent to the respective County Courts wth Ded potest. directed to the 3d & 4th Persons in Commission to Swear the Cheif Justice who is
to Sweare all other Officers both Civil & Military & all p. 17
other persons in the several Countys who shall offer to take the Oaths appointed instead of the Oath of Allegiance & Supremacy & the afsd Oath appointed by the sd Act Copy whereof is sent them And that Notice be given to the respective Colonels to make an Handsom appearance of their Militia at the Tyme & place when the King is Proclaymed.

Lib. W. R.

Fryday Octob^r 29 1714

The Council sate p^r sent

His Excell^cy John Hart Esqr His Majesties Govn^r in Cheif &c.

Col Edward Lloyd	Lt Col Samuel Young
Col Wm Holland	Col Thos Greenfeild
Col Wm Coursey	Lt Col R^d Tilghman

His Excellency acquaints the Council th^t He had Yesterday received a Pacquett from the Right Honb^le the Earle of Bolinbrooke forwarded by the Care of Col A. Spotswood Govern^r of Virginia who had been so Civil to acquaint them what had been done there. And the s^d L^re from the R^t Honb^le the Secretary of State being read is as follows. Viz.

p. 18

Whitehall 5th of August 1714.

S^r

The Queen having been two or three days out of Order on Tuesday last Her Mat^y grew somewhat worse & on Fryday morning about ten of the Clock she was struck with a very stong Convulsion. She recovered Her Senses in about two Hours but continued to languish & to sink away by degrees till near halfe & hour after seaven on Sunday Morning, when it pleased Almighty God to take her to his Mercie

I Enclose to You the Proclamation of his p^r sent Mat^y which you will cause to be Published throughout Your Governm^t

The Office Letter will acquaint you wth the appointment of the Lords Justices & the other Publick Occurrences by wch you will see what Effectual Care has been taken to secure the Public Peace on this Occasion & dissapoint the hopes of those few who are Enemies to the p^r sent happy Settlement.

I am Sr Your humble Servt

Bolinbroke.

By Direction of the Lords Justices of this Kingdom I send you a Proclamation which has been Published here declaring the Sence of the Law wth respect to persons who held Offices from her late Mat^y at the Tyme of her Death And I am to desire th^t you will Publish the same in all the Places under
p. 19 Your Command. As also the Office Letter.

Whitehall 3^d August 1714.

The Enclosed Gazzette gives an Account of the Death of of the late Queen & of Proclayming his P^r sent Mat^y To which

the following particulars may be added. Upon the Queens being seized wth a strong Convulsion It was on Fryday Morning The Lords of the Cabinet Council met at Kensington where the Duke of Shrewsbury was by her Mat^y^ Immediately made Treasurer And a Genr^ll^ Council being summoned. Orders were sent to the Lord Mayor to take care to keep the Peace of the City. The Lords Leiuten^ts^ of the severall Countrys were directed to draw out the Militia to take from Papists & other suspected Persons their Arms & Horses & to be watchfull of the Publick Tranquillity, the Military Offices were commanded to their several Posts. Brigadier Sutton was sent to Flanders to bring from thence Seaven Battallions of her Mat^ys^ Troops. The Fleet was directed to be fitted out & all other necessary precautions were taken. Lib. W. B.

A Letter signed by the Lords of the Council was on Saturday Morning sent Express to his Electorall Highness of Brunswick to acquaint Him wth what had been done to Desire the favour of his immediate P^r^sence here & to lett him know that a Squadron of Men of Warr would very soon attend his Orders on the Coast of Holland. Yesterday the Lords Justices dispatch'd the Earle of Dorset to go & wayt upon his Majestie with an Account of all that had since passed. The two Houses of Parliament met on Sunday in the Afternoon according to the Act. They have been since employed in taking the Oaths. And the Speaker of the House of Commons who was out of Town being now returned, tis expected the Parliam^t^ will enter on Buisiness to morrow. p. 20

And likewise the Proclamation of the Lords Spiritual & Temporall of Great Britain being assisted wth those of Her late Majesties Council & other Principal Gentlemen of Quality & the Lord Mayor Aldermen & Citizens of London of the first of August Proclayming the High & Mighty Prince George Elector of Brunswick Lunenburgh King of Great Britain France & Ireland Defend^r^ of the Faith &c And the Gazzette of the 31st of July to Tuesday August 3^d^ 1714. And also the Lords Justices Speech to the Parliam^t^ on the 5th of August, On Mature Consideration whereof the Board are of Opinion that his Excellency has allready caused everything requisite & enjoyned by the Lords Justices Directions signifyed by his Majestys Secretarie of State to be done & performed in this Province, Save th^t^ it may be advisable his Excellency shou'd Issue Proclamation Notyfying the alteration in the Liturgie And a Proclamation for appointing a generall day of Thanksgiving for his Majesties happy Accession to the Throne of Great Britain which he is desired to Issue

Lib. W. B. Mr John Rousby Receiver of the District of Puttuxent came & made Oath to his Account of Receipt of the Revenue
p. 21 of the 3d per Hogshead for Arms & of the three fourths of the one Moyety of the two shillings ꝑ Hogshead on Tobacco Exported.

It was put to the Question whether it may not be advisable that an Order of this Board be sent to the Justices of the several County Courts to transmit his Excellcy Yearly an Account of all Fines & Forfeitures falling in their respective Courts, And advised such order Issue put to the Question if the prsent Assembly ought to be disolved And resolved Nemine contradicente that they be disolved & tht a Proclamation issue notifying the same

Put to the Question if another Assembly shall not in some short tyme be called to sit, & resolved in the Affirmative.

The two following Proclamations being read at the Board were approved of & Issued, Viz.

By His Excellency the Capt Genrll &c

A Proclamation

Maryland sst

Whereas it hath pleased God of his infinite Mercie & Goodness upon his being pleased to take to Himself Our late Gracious Sovereigne Lady Queen Anne of Glorious Memorie to Bless the Inhabitants of the Realme of Great Britain & of all other the Dominions dependent thereon And especially of this Province wth the great & Invaluable happiness of prserving and securing to us our most holy Religion by us ꝑfest according to the pure Discipline of the Church of England together wth all our Rights & Liberties by peace-
p. 22 ably & happily bringing to & placing on the Throne of his Ancestors Our most Dread Sovereigne Lord George by the Grace of God of Great Britain France & Ireland, King Defender of the Faith &c. Of wch extraordinary great mercie & Blessing all his Matys good Subjects must have a most humble & grateful sence And being therewth highly Affected are incited to returne their most solemn & hearty thanks & praises to the Divine Excellence for the same I have therefore by & with the Advice of his Matys Honbl Council within this Province thought fit to And do by this my Proclamation Direct Appoint & Comand that Thursday the twenty-fifth day of November next ensuing be by all his Majestys good Subjects within this Province set apart for a Day of Publick & Genrll Thanksgiving & rejoycing for his most sacred Majestys most happy & Peaceable Accession to the Crowne of Great Britain France & Ireland And to the end all Per-

sons may Attend the Duty & Service of the Day I Do strictly command them on that day to Absteine from all Bodily labor & repair to their severall Parish Churches where the Rever[d] the Clergie are enjoyned not to faile attending & reading Divine Service Rendring all Thanks & Praise to Almighty God & Preaching Sermons suitable to this joyful Occasion And to the End all Persons may have due Notice hereof and Conforme themselves according thereto I do hereby comand the Sherriffs of the Respective Countys within this Province to Publish this my Proclamation in the most usual & frequented Places of their Severall Countys Lib. W. B.

Given at the City of Annapolis under the Great Seale of this his Majesties Province the twenty ninth day of October in the first year of the Reigne of Our Sovereigne Lord George by the Grace of God of Great Britain France & Ireland King Defender of the Faith &c Annoq Dni 1714.

Maryland ss: p. 23

By His Excell[cy] The Captaine Genr[ll]

A Proclamation.

Whereas by the late Act of Uniformity w[ch] establishes the Liturgies & Enacts th[t] no form or order of the Comon Prayer be openly used other than w[t] is p[r]scribed & appointed to be used in & by the s[d] Book. It is notwithstanding Provided that in those Prayers Littanies and collects which do any ways relate to the King Queen or Royal Progenie the names be altered and Changed from Tyme to Tyme & fitted to the p[r]sent occasions according to lawful Authority And their Excell[cy] the Lords Justices of the Kingdom of Great Britain having by their order in Council dated at Kensington the first of August last ordered th[t] the following Alteration be made In the Morning Service imediately after the Creed & Lords Prayer Instead of Queen read King In the Prayer for the Queens Mat[y] instead of Lady Queen Anne read Lord King George In the Prayer for the Royal Family instead of the Elector of Brunswick, read his Royal Highness the Prince. In the Evening service the like to be observed In the Littany in the suffrages for the Queen instead of Anne & Queen read George & King, for Her, read him & his & for she read He In the suffrages for the Royal Family instead of the Elector of Brunswick read His Royal Highness the Prince In the Prayer for the Parliam[t] instead of the Queen read the King instead of her read his In the Comunion service in the first Collect Instead of Anne Our Queen read George our King, instead of she read he & instead of her read his & him In the second Collect instead of Anne read George Instead of Queen

Lib. W. B. read King for her read his & for she read he In the prayer for the whole State of Christ's Church Instead of Anne Our Queen read George our King instead of her read his & him In the Forme of prayer to be us'd at Sea instead of Lady Queen Anne read Lord King George for her read his: In the Forme of the fifth of Novemb^{r} in the suffrages after the Creed instead of Queen read King, instead of her read his & him In the Prayer to be used instead of th^{t} in the Time of War & Tumults, instead of Queen Anne read King George, instead of her read him and his In the Collect before the Epistle & Gospel instead of Queen read King instead of her read him & his In the last prayer instead of Lady Queen Anne read Lord King George In the fforme of the 30th of Jan^{ry} in the first Collect after the prayer for the whole state of Christ's Church instead of Queen Anne read King George In the Forme of the 29th of May in the Suffrages after the Creed instead of Queen read King instead of her read him & his in the 2^{d} Collect after the suffrages instead of her Heirs after him In the last Collect instead of Queen Anne read King George for her read his, for Lady the Queen read Lord the King. Instead of her read him & his instead of herselfe read himselfe And th^{t} the Rever^{d} the Clergie of this Province may have due notice thereof & conforme themselves according thereto I have by & wth the Advice of his Mat^{ys} Honb^{le} Council Issued this my Proclamation Comanding the Sherriffe to publish the same at all & every the Parish Churches & Chappells in their sev^{rll} & respective Countys whereof they are not to faile Given at the City of Annapolis under the Great Seale of this his Mat^{ys} Province this 29th day of October in the first year of the Reigne of our Sovereigne Lord George by the Grace of God of Great Britain France & Ireland King Defd^{r} of the ffaith &c: Annoq Dni 1714

God Save the King.

p. 24 At a Council held the 18th day of Jan^{ry} in the first year of the Reigne of Our Sovereigne Lord George &c. Annoq Dni 1714.

P^{r}sent

His Excellency John Hart Esqr Govn^{r} in cheif &c.

	Edward Lloyd Esqr	Col Thomas Addison
The Honb^{le}	Col Wm Holland	Philemon Lloyd Esqr
	Col Thos Greenfeild	Lt Col Richard Tilghman

Resolved that it is necessary & Advised Writts of Election Issue to Summons the Gen^{rll} Assembly in the Spring.

And it being considered that the Provinciall Court stands adjourned unto the second Tuesday of Aprill next. Advised & resolved th^t the s^d Writts of Election be returnable on Tuesday 26th day of April next His Excellency observing th^t his most Sacred Mat^y by his Ord^r in Council at the Court of St James the first of October 1714 had been Pleased to Direct several Alterations to be made in the Prayers for the Royal Family and further by his Order in Council of the first of August last was pleased to Order th^t in the s^d prayers instead of his Royal Highness the Prince there be inserted his Royal Highness George Prince of Wales & th^t necessary Directions shou'd be given accordingly Asks the Advice of the Board if it was not necessary A Proclamation should be issued therefore. Lib. W. B.

Whereupon Resolved th^t his Excell^cy Issue his Proclamation enjoyning the same. And the following Proclamation being prepared & read Viz.

Maryland ss. p. 25

By his Excell^cy the Capt Gen^ll

A Proclamation

Whereas his most Sacred Mat^y by his Order in Council held at the Court of St James's the first of October Seaventeen hundred and fourteen reciting th^t whereas by an Ord^r in Council of the first of August last Sev^rll Alterations had been directed to be made in the Prayers for the Royal Family was further Graciously pleased to order th^t instead of his Royal Highness the Prince in the Prayers and Suffrages for the Royal Family therebe inserted his Royal Highness George Prince of Wales & th^t necessary Directions be given accordingly. I have therefore wth the Advice of his Mat^ys honb^le Council thought fit by this my Proclamation to notify the same & Strictly to require the Rever^d the Clergie within this province to take due notice thereof & Conforme themselves to his Mat^ys s^d order by using the alterations therein directed. Given at the City of Annapolis the 18th day of Jan^ry in the first year of the Reigne of Our Sovereigne Lord George by the Grace of God of Great Britain France & Ireland King Defd^r of the Faith &c. Annoq Dni 1714.

God Save the King.

Was approved of & ordered to be Issued.

His Excellency is pleased to offer to the Consideration of the Board whether it may be fit to continue the Embargo lay'd on Indian Corne or that now seeing the winter has proved very milde and favourable it be advisable to take it

Lib. W. B. off & suffer the Exportation thereof. And advised the s^d^ Embargoe be taken off, & that his Excellency issue his Proclamation notyfying the some.

p. 26 By His Excell^cy^ the Capt Genr^ll^

A Proclamation

Whereas in October last the Winters seeming to set in very severely It was thought fit that the Exportation of Indian Corne out of this Province shou'd be Prohibited untill the tenth of March next which was accordingly done by Proclamation to that Purpose Issued But for that the winter has since proved very favourable & mild & is pretty farr advanced, And that there seems not to be any absolute Necessity to continue the s^d^ Prohibition To the End his Mat^ys^ good Subjects of this Province may take the best Advantage of the Marketts I have by the Advice of his Mat^ys^ Honb^le^ Council thought fit to take off the Embargo as afs^d^ lay'd on Indian Corne And do by this my Proclamation direct Comand & require the respective Officers of his Majesties Customs with this Province to take Notice thereof & to Clear all Sloops & Vessells loaden wth Indian Corne as if the s^d^ Prohibition had never been Enjoyned or Embargo lay'd And to the end all Persons may have due Notice hereof I do hereby Comand the respective Sherriffs to Publish this my Proclamation in the most usual & frequented places in their severall Countys. Given at the City of Annapolis this 18th day of Jan^ry^ in the first year of the Reigne of Our Sovereigne Lord George by the Grace of God of Great Britain France & Ireland King Def^dr^ of the Faith &c.

It being observed that whereas the Fee of 480^l^ of tobacco to the Keeper of the Greate Seale for sealing a Body of Laws for a County Court has been an Ancient Fee but not being particularly mentioned in the Act for Limitation of Officers Fees some of the County Courts taking advantage thereof have refused to make allowance thereof to the p^r^sent Keeper of the Great Seale Resolved &

It is therefore hereby Ordered that the Fee for the Seale
p. 27 to the Body of Laws to each County was, be & is hereby Ascertained & Settled at four hundred & eighty pounds of Tobacco And that the keeper of the Great Seale be & is hereby allowed to take the same, And the Justices of the County Courts directed to make allowance thereof.

The Honb^l^ Samuel Young Esqr & Capt Jno Dorsey Members of this Board being very lame & Indisposed having wrote to desire to be excused.

Which was thought reasonable & admitted of Ordered that the Clerk of Each respective County Court within this Province forthwth transmit to the Clerk of the Council an Attested Copy of their respective County Levies for the p^{r}sent Year 1714 for his Excellency the Govern^{rs} Inspection. Lib. W. B.

At the Council held Jan^{ry} 19th 1714

P^{r}sent his Excellency the Govern^{r}

And the Members of the Council p^{r}sent as Yesterday

It being considered that the Powder House stands very inconvenient where now Placed Advised the same be removed & placed on the Hill comonly called the Gover^{rs} Hill & that his Excellency the Govern^{r} be pleased to give Orders therefore.

Ordered that Mr John Rousby his Mat^{ys} Receiver of the District of Puttuxent out of the Duty of 3^{d} for Arms pay unto Capt John Young Master Gunner and Storekeeper of the Magazine at the City of Annapolis his Years Sallary of thirty pounds Sterl on the 11th of Jan^{ry} last. p. 28

His Excellency is Pleased to ask the Members of the Council if they have anything further to offer for his Majesties Service. Who say not.

PROCEEDINGS

OF THE

COUNCIL OF MARYLAND

BENEDICT LEONARD CALVERT, LORD BALTIMORE,
Proprietary.

JOHN HART,
Governor.

1715.

At the Council held at the Council Chamber at City of Annapolis the 13th day of April in the first Year of the Reigne of Our Sovereigne Lord George by the Grace of God of Great Britain France & Ireland King Defender of the Faith. &c Annoq Dni 1715. Lib. W. B. p. 29

Present

His Excellency John Hart Esqr his Matys Capt Genrll & Govnr in Cheif of this his Matys Province &c.

The Honble
Col Edward Lloyd
Col William Holland
Col Thomas Ennals
Lieutnt Col Samuel Young.
Col Thomas Addison
Philemon Lloyd Esqr &
Lieutent Col Richd Tilghman.

His Excellcy acquaints the Gentlemen of the Council that he had received a Letter from the Rt Honble the Lord Townsend one of his Matys Principal Secretaries of State Dated from White Hall the thirtieth of November & inclosing the following Proclamation. Viz.

By the King

A Proclamation

Declaring his Majesties Pleasure for Continuing the Officers in his Majesties Plantations till his Matys Pleasure shall be further declared.

G. R.

Whereas by an Act of Parliament made in the Sixth Year of the Reigne of the late Queen Anne Our most Dear Sister Intituled an Act for the Security of her Majesties Person and Government & of the Succession to the Crowne of Great Britain in the Protestant Line It was Enacted amongst other things tht no Office Place or Employment, Civil or Military within any of her sd late Matys Plantations, should become void by reason of the Demise or Death of her sd late Majesty but tht the Person or Persons in any of the sd Offices Places or Employments shou'd continue in the respective Offices p. 30 places and Employments for the space of six months next after such Death or Demise unless sooner Removed & Discharged by us And in regard it may happen tht our pleasure may not within the sd Tyme be declared touching the sd Offices wch will at the end of the sd Six Months become Void:

Lib. W. B. We for the Preventing the Inconveniencies th^{t} may happen thereby in our Princely Wisdom and Care of the State reserving to Our Judgement hereafter the Reformation and redress of any Abuses in Misgovernment upon due Knowledge and Examination thereof are Pleased and do hereby Order Signifye and Declare That all Persons th^{t} at the Time of the Decease of her s^{d} late Majesty were duly and lawfully Possessed of or Invested in any Office Place or Employment Civil or Military in any of our Plantations, and which have not been since removed from such their Offices Places or Employments shall be and shall hold themselves continued in the s^{d} Offices Places or Employments as formerly they held and enjoyed the same untill our Pleasure be further knowne or th^{t} other ꝑvision be made pursuant to her late Mat^{ys} Comissions and Instructions to her Govn^{rs} and Officers of the Plantations afs^{d} And th^{t} in the mean Time for the preservation of the Peace and necessary Proceedings in Matters of Justice and for the Safety and Service of the State all the s^{d} Persons of whatsoever Degree or Condition do not faile every one Severally according to his Place Office or Charge to ꝑceed in the performance and Execution of all Duties thereunto belonging as formerly appertained unto them while the late Queen was living. And further we do hereby will and Command all and Singular Our Subjects in the s^{d} Plantations of what Estate or Degree they or any of them be to be Aiding helping and Assisting at the Commandm^{t} of the s^{d} Officers
p. 31 in the Performance & Execution of the s^{d} Offices and Places As they tender Our Displeasure & will Answer the Contrary at their Utmost Perills.

Given at Our Court at St James's the two & twentieth day of Novb^{r} 1714 in the first Year of Our Reigne.

God Save the King.

Which being read Advised and resolved that the same be forthwith published in all Parts of this his Mat^{ys} Province.

His Excellency was also Pleased to Communicate to the Board a Duplicate of a Letter from the R^{t} Honb^{le} the Lords of Trade and Plantations Dated the 11th of August 1714 Requiring him forthwith to Proclayme his Majesty our most Gracious Sovereigne King George King of Great Britain &c. without loss of Tyme & give Acc^{t} to them thereof, Which having been allready done in all Parts of this Province and the Acc^{t} thereof sent to Great Britain to their Lordships is thought to be a full Complyance with their Lordships Letter Also in the s^{d} Letter the following Clause was observed remarquing to his Excellency that by the Act made in the

sixth Year of the Reigne of her late Majesty Queene Anne Lib. W. B.
of Glorious memorie Intituled an Act for the Security of her Majesties Person and Governm^{t} and of the Succession of the Crowne of Great Britain in the Protestant Lyne All Publique Seals and the Privy Signett used at the Tyme of her late Majestys Demise were to be made Use of till his Majesties further Direction.

His Excellency lay'd before the Board one other Letter from the R^{t} Honb^{le} the Lords of the Council of Trade and Plantations as follows Viz.

White Hall August the 19th 1714 p. 32

S^{r}

Her late Majesty having been informed th^{t} an Illegal Trade has been carryed on between sever^{ll} of the British Plantations in America and the French Settlements in those Parts to the Prejudice of the Trade of this Kingdom and in Violation of the Laws thereof and the Treaties between this Kingdom and France ; Their Excellencies the Lords Justices have Comanded Us to send You the following Extract of the Treaty of Peace & Neutrality in America Concluded between England & France 6/16 day of Novb^{r} 1686.

By the fifth and Sixth Articles of the s^{d} Treaty The Subjects Inhabitants &c of each Kingdom are Prohibited to Trade and fish in all Places Possessed by the other in America And th^{t} if any Ship shall be found Trading contrary to the s^{d} Treaty upon due Proof shall be Confiscated, but in case the Subjects of either King shall be forced by Stress of Weather Enimies or other Necessitys into the Ports of the other in America They shall be Treated wth Humanity & Kindness and may provide themselves wth Victuals and other things necessary for their Sustenance & Reparation of their Ships at Reasonable Rates Provided they do not break Bulk nor carry any Goods out of their Ships exposing them to Sale nor receive any Merchandize on Board under the Penalty of Confiscation of Ships & Goods.

We further find by the fortieth Article of the Instructions p. 33
to the Captains of the Ships of War, that the s^{d} Captains are Expressly restrained from taking any Goods and Merchandize on Board the s^{d} Ships

Upon all which we are Comanded to Signifye unto you th^{t} you take particular Care for the future th^{t} the foremencon'd Treaty be Punctually observed & put in Execution And that no Illegal Trade be Carryed on between his Mat^{ys} Province of Maryland under Your Governm^{t} and the French Settlements in America by any of his Mat^{ys} Ships of War attending

Lib. W. B. the s^d^ Province or by other British Ships as likewise th^t^ none of the French Subjects be allowed to Trade from their s^d^ Settlements to Maryland. So we bid you heartily farewell and are Your very loving Freinds
and humble Servants
Phil. Meadows
Arth: Moore
Jo. Sharpe
Sam^ll^ Pitts
Thos Vernon

Whereupon Advised that Proclamation be forthwith Isued in order to prevent any such Illegal Trade.

Then was read a Letter from his Excellency Francis Nicholson Esqr His Majesties Capt Genr^ll^ & Govn^r^ of Nova Scotia &c Relating to the aforementioned Illegal Trade And likewise a Letter from Josiah Burchett Esqr Secretary of the
p. 34 Admiralty was read with his Mat^ys^ Royal Proclamation therein inclosed requiring all Ships and Vessells Trading from the Plantations in the Way of the Algerines to furnish Themselves wth passes.

Whereupon advis'd and Resolved his Excellency Issue his Proclamation notifying the same wch being prepared was approved of & is as follows Viz.

By his Excell^cy^ the Capt Genr^ll^ &c.

A Proclamation

Whereas his most Sacred Mat^y^ Our Sovereigne Lord the King has been graciously Pleased out of his tender Care of his Subjects Trading from the Plantations in the way of the Algerines to Issue his Royal Proclamation in the Ten^r^ following Viz.

By the King

A Proclamation

G. R. Requiring all Ships and Vessels Trading from the Plantations the way of the Algerines to furnish themselves wth Passes

Whereas pursuant to Treaties concluded between Our Predecessors and the Govm^t^ of Argier, several passes have been Granted under the Hand and Seale of the High Admirals of Great Britain or the Commissioners for Executing the Office of our respective Dominions: And whereas Our Commissioners for Executing the Office of High Admiral have humbly represented unto us that they have reason to apprehend th^t^ Several of the s^d^ Passes of the old Forme have been Clan-

destinely altered as well in the Dates as otherwise wch may Lib. W. B.
be very Prejudicial to the Trading Ships of Our Subjects: For Preventing whereof we have thought fit by the Advice of Our Privy Council to Publish this Our Royal Proclamation, hereby declaring th^t^ all such Passes of the old forme which have been so Issued shall not continue in force longer than the thirtieth day of July next And we do hereby strictly Charge & Comand all our loving Subjects who are or shall be Possessed of any such passes that they do as soon as may be returne the same into the Office of Admiralty of Great Britain in order to their being Cancelled. And whereas Pursuant to the late Treaty with Argier it is absolutely necessary th^t^ all Ships and Vessels belonging to our loving Subjects of Great Britain and Ireland, as well as our Forreigne Governments and Plantations which shall have Occasion to trade to Portugal the Canaries Guinea the Indies into the Mediteranean or Else where in the way of the Cruizers of the afs^d^ Governm^t^ of Argier Shou'd be furnished with passes of the new Forme by or before the s^d^ thirtieth day of July next left by their being met wth by the Ships of Argier unfurnished with such Passes they be brought up & the Ship and Goods Confiscated; We do hereby strictly charge and require the Owners and Masters of all Ships and Vessells of our loving Subjects trading as afs^d^ to take particular Care that they do timely furnish themselves wth passes of the new forme accordingly. Given at Our Court at St James's the fourth day of Octob^r^ 1714 In the first year of Our Reigne.

And for th^t^ it is absolutely requisite th^t^ his Majesties s^d^ Proclamation should be Notifyed to all & Singular his Mat^ys^ Subjects in this Province to the end they may be duly cautioned to Comply wth his Majesties Commands and furnish p. 36
themselves wth such passes I have with the Advice of his Majesties Council thought fit to Issue this my Proclamation Commanding and Enjoyning all persons whatever having in their Custody or Possession any such Passes of the old forme th^t^ they forthwith send or bring them to me to be returned to the Office of Admiralty in order to their being Cancelled And that such other Persons as shall designe any Voyage from this Province in the Way of the Algerines Provide themselves with such Passes wch may be had upon their application to and Certificate of any of the Collectors of his Majesties Customs in this Province a Considerable Number of the s^d^ Passes being sent from the Admiralty Office & Lodged wth me to th^t^ end and Purpose. Given at the City of Annapolis this thirteenth day of April in the first Year of the Reigne of Our s^d^ Lord the King &c Annoq Dni 1715

God save the King.

Lib. W. B. Also the following Proclamation for Preventing any Illegal Trade being carryed on between this his Mat^{ys} Province and any of the French settlem^{ts} in America being Prepared was read and approved of is as followeth Viz.

By his Excellency the Capt Genr^{ll} and vice Adm^{r}ll &c.

A Proclamation

Whereas his most Sacred Mat^{y} Our Sovereigne Lord the King has been informed th^{t} an Illegal Trade has been carryed
p. 37 on between Sevr^{ll} of the British Plantations in America and the French Settlements in these Parts to the Prejudice of the Trade of Great Britain and in Violation of the Laws thereof and the Treaties between the Kingdom of Great Britain and France Concluded the 6/16 day of Novb^{r} 1586 By the fifth and Sixth Articles of which Treaty the Subjects and Inhabitants &c of each Kingdom are Prohibited to Trade and fish in all Places Possessed by the other in America And if any Ship shall be found Trading contrary to the s^{d} Treaty upon due Proof shall be Confiscated, but in case the Subjects of either King shall be forced by stress of Weather Enimies or other Necessitys into the Ports of the other in America They shall be Treated wth Humanity & Kindness & May Pvide themselves wth Victuals and other things necessary for their Sustenance & Reparation of their Ships at reasonable rates. Provided they do not break Bulk nor carry any Goods out of their Ships exposing them to Sale nor receive any Merchandize on Board under the Penaltie of Confiscation of Ship and Goods.

And whereas by the fortieth Article of Instructions to the Captains of his Mat^{ys} Ships of Warr The s^{d} Captains are Expressly restreined from taking any Goods or Merchandize on Board their s^{d} Ships I have therefore wth the Advice of his Majesties honb^{le} Council in this Province thought fit to Issue this my Proclamation in his Mat^{ys} Name strictly charging and requiring all & every his Majesties good Subjects in this Province & especially the Commanders of any of his Mat^{ys} Ships & the sev^{rll} Officers of his Mat^{ys} Customs th^{t} they use
p. 38 their Uttmost Endeavours and take Care to Conforme themselves to the s^{d} fifth & sixth Articles of the Treaty afs^{d} & be obed^{t} to the s^{d} fortieth Article of Instructions before recited to the End the s^{d} Treaty may be Punctually observed & put in Execution And that no Illegal Trade be Carryed on between this his Mat^{ys} Province of Maryland & the French Settlements in America by any of his Mat^{ys} Ships of War attending this Province or any other British or Plantation Ships or Vessels As likewise th^{t} none of the French Subjects may be

allowed to Trade from their s^d^ Settlements to this Province Lib. W. B.
And th^t^ such his Mat^ys^ good Pleasure may be notified to all his Subjects here I do Command the Sev^rll^ Sherriffs of the Respective Countys to Publish this my Proclamation in the most usual & frequented places. Given at the City of Annapolis this 13th day of April in the first Year of the Reigne of our s^d^ Lord the King &c Annoq Dni 1715.

God Save the King

It being Considered th^t^ it is very necessary th^t^ when any reference is made in Chancery to any of the Masters or Assistants in that Court th^t^ a reasonable Fee shou'd be payd them for their Report.

Resolved th^t^ the s^d^ Fee be and is hereby Settled & allowed to be taken if in Tobacco One hundred & fifty pounds & if in Curr^t^ mony twelve Shillings & Six pence.

And whereas several Gentlemen of this Board have according to Custom assisted the Keeper of the Great Seale in holding p. 39
the Chancery for wch they were formerly wont be allowed in the Publique. But for that no such Allowance has been made for near two Years last Past. Advised & Resolved th^t^ it being in Promotion of Justice the reasonableness thereof be represented to the next Session of Assembly.

The Petition of John Norris of Ann Arundel County setting forth th^t^ he is fined five hundred pounds of Tobacco for not attending as a Juror At a Court held in November last for the s^d^ County During the sitting of wch s^d^ Court the Petition^r^s wife lay very sick & dyed that he did not neglect his Duty out of any Contempt but was purely induced by his Affection to & Care of his Wife. The truth of the s^d^ Petition being Certifyed by two of the Commissioners of the afs^d^ County Court is thought reasonable & Granted.

Whereupon ordered th^t^ the s^d^ Fine be remitted & not levyed.

PROCEEDINGS

OF THE

COUNCIL OF MARYLAND

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

JOHN HART, ESQ.
Governor.

1715–1720.

Att a Council held at his Ex^{ncy} the Gov^{rs} House in the City of Annapolis the 3^{d} Day of June in the first Yeare of the Reign of our Sovereign Lord King George of Great Britain &c Annoq Dni 1715. Lib. W. B. p. 40

P^{r}sent

His Excellency the Governo^{r} &c.

	Col Edwd Lloyd	John Hall Esqr
The hon^{ble}	Col Wm Coursey	Philemon Lloyd Esqr &
	Lt Col Saml Young	Lt Col Richd Tilghman

His Ex^{ncy} was pleased to comunicate to the Board a letter which he just now rec'd from the hon^{ble} Col Alexander Spotswood Lt Govern^{r} of Virginia giving an Acco^{t} of two hundred Familys murdered at and neare unto a Place called Port Royal in South Carolina: Which said Letter was read at the Boarde.

And is as followeth Viz.

Govern^{r} of Virginia Letter ab^{t} the Ind^{n} Warr at So. Carolina p. 41

Williamsburgh May 27, 1715

S^{r}

I received the Honour of yours of the 8th of the last month, and do Assure y^{o} th^{t} neither my Ambition of seeing y^{o} is lessened, nor has years or infirmityes so much altered th^{t} Stirring disposition which you are pleased to Say you have heard me distinguished by in the Army, but th^{t} it is rather owing to my Misfortune th^{t} I have not yet had the Honour of paying my respects to you in person, sometimes the Intervention of General Assemblys and for the most part the forming and Executing of certain projects for the security of Our frontiers, have fallen into disappoint my Intentions And now if I hoped I had overcome all these Avocations and flattered myselfe wth the Prospect of a little Leizure time. An Accident the most Extraordinary of any I have yet read of in any History of America and which I am now to Informe you, has given me a fresh disappointment For two days ago I received a Letter from Col^{o} Craven Governo^{r} of South Carolina th^{t} all the nations of Indians in those parts are Broke out in open hostility against them wth intention to Extirpate his Maj^{tys} Subjects of th^{t} Province. Tho Col^{o} Craven in the hurry he was in, is very short in his relation of this Affair, yet

Lib. W. B. his Messenger adds Several Particulars Such as, That the Indians had murdered 200 familys at & ab^t a Place called Port Royal, that the whole Country was flying before them to take Shelter at Charles Town, which place they also Expected would be soon Blockt up, the Enemye being at the time of writeing the Letter which was the 11th of this Month within two days March. Col^o Craven has very Earnestly pressed me to assist him wth some Armes in this distress, And I have accordingly resolved to send him a Supply both of Armes and Ammunition by his Maj^tys Ship Valour for which purpose I have Writt the Inclosed Letter to the Capt to hasten hither and pray the favo^r of you to give it a Speedy Conveyance If you can Supply him wth any Armes or Ammunition from yor Province it will be a very great kindness but if they are not in
p. 42 readiness a Small Assistance sent in time will be of greater Service than a Larger hereafter Col^o Craven writes me th^t the man of Warr I sent thither wth a pacquet of the Same Kind as th^t you had from hence the begining of last Month has been of great Service to Incourage the people there, and I believe their being Visited from time to time by some of his Majestys Ships of Warr on these Northern Stations will be a means to keep up their Spiritts and Secure the Communication by Sea, which is the only way they have now left to be Supplyed with Provisions, I cannot but now Call to mind a paragraph I observed Col^o Hunters letter to you upon the death of the Queen, which intimated his being obliged to hasten to Albany to pacifye the Indians, who had threatened to take up the Hatchett upon some pretended Advices th^t the English were Combining to cutt them off, And as I am certainly informed, th^t there has been a more than ordinary intercourse between the Southern and Northern Indians for some time past, and th^t the Southern Indians under pretence of making war upon the Seniquors and other Northern Indians furnished themselves wth great Quantityes of Ammunition and Armes which they have now turned against the people of South Carolina, I am very apprehensive there may be the same Treacherous designe on foot amongst the Northern Indians, Wherefore I think it Concerns all these Governm^ts to be upon their Guard and to have watchfull Eye upon the Indians in their Neighbourhood, The Inclosed letter for the Governo^rs to the Northward are intended to caution them ag^t such a Surprize which may be too Justly feared and I pray the favour of you to give them a Speedy Dispatch. I am with great Esteem

S^r

Yo^r most Obed^t
humble Servt
A Spotswood

His Ex^{ncy} says he has already sent his Directions to Capt St Low Com̄and^{r} of his Ma^{tys} Shipp Valour Who in few hours will be ready to saile for Virginia according to Col Spotswood Desire And as to that part relating to Arms and Ammunition His Ex^{ncy} says he has sent Col Spotswoods Lre to the Com̄ander of his Ma^{tys} Ship Valour Capt St Low, and desires the Opinion of the Board: what Quantity of Arms may be sent from hence in the said Ship for the Assistance of his Ma^{tys} Subjects in that Province. To which they say they can not at p^{r}sent Answer, beleiving there is not any great Quantity of Arms and Ammunition in the Publiq Magazine at Annapolis, the rest being dispers'd in the Several Countys for their imediate Defence and Safety. Lib. W. B. p. 43

Capt. John Young Master Gunner & Storekeeper of the Publiq Magazine being sent for made Report of the State of the Publiq Magazine and particularly as to the Ammunition therein.

That there was but thirty halfe Barrells & One hundred and fourteen Quarter Barrells of Gun Powder twenty small Casques of Swan Shott & thirty small casks of Ball.

Whereupon the Board are of Opinion that this Province cannot Spare any Arms or Am̄unition. p. 44

But resolved that Some Arms and Ammunition be forthwith sent to the Frontier Settlem^{ts} of this Province on Potomack for the better Security of his Ma^{tys} Subjects there. And His Ex^{ncy} was pleased to declare that he would speedily visit those Frontiers for their better Incouragem^{t}

Att the Council held the 12th Day of July in the first Year of his Ma^{tys} Reign &c. Annoq Dni 1715

P^{r}esent

His Ex^{ncy} the Govr &^{c}

	Col Edwd Lloyd	Lt Col Saml Young
The hon^{ble}	Col Wm Holland	Col Thos Addison &
	Col Wm Coursey	Phil^{n} Lloyd Esqr

His Ex^{ncy} is pleased to put the Members of his Ma^{tys} Council in Mind of what had been offered at this Board on the third of June last, concerning the Indian Invasion on South Carolina, And now acquaint them he had received a Pacquett from the Northward for Col Spotswood Govr of Virginia And a Letter from Mr John Moore his Ma^{tys} Collector at Philadelphia dated the 4th of July 1715. which He was pleasd to read, expressing the great Distress His Ma^{tys} Subjects at South Carolina are now in, The Women and Children being retreated to Charles Town, which is one continued Hospitall, p. 45

Lib. W. B. and that if that place be not tymely Succoured it must be given up.

His Ex^cy Also acquaints the Board that our Potomack Indians have been out but are come in again, & that it may be Supposed they have had some Corespondence with other Indians—

Whereupon He had ordered and sent fourscore Arms with proportionable Amunition to Prince Georges County,

And desires the Advice of the Board whether It be not expedient a Supply of Arms &c should be sent to Baltemore & Cecil Countys.

To Which the Board do answer they think it very Advisable such Arms &c should be sent to the said Countys.

His Ex^ncy acquaints the Board that He has wrote to Col Blakiston our Agent in England to purchase £500^l worth of
p. 46 Arms & Ammunition according to the Resolve of this Board the last Session of Assembly. And His Ex^ncy proposes to the Council that Whereas there is a provision made by Act of Assembly for raising a Quantity of Tob^o not exceeding fifty thousand pounds in one yeare on any necessity during the Intervall of Assembly Whether in Case He should have any Account from Col. Spotswood concerning the further Distress of his Ma^tys Subjects at South Carolina They do not agree that (in Reguard it is very difficult on any suddain Occasion to get a full Council together) Col Holland Col Young & Col Addison or any three of the Council with his Ex^ncy may order the levying any Quantity of Tob^o not exceeding 80000^l to be disposd of by their Discretion. Which was agreed to by all the Members of the Council now present.

Also Resolvd and Advised that in Case His Ex^ncy and any three of the Council shall think fit to send any Arms or Ammunition to S^o Carolina for the Succour of his Ma^tys Subjects there, It be wholy left to his Ex^ncys Discretion with the Advice of Such a Number of the Council And it being considered that there is not so Sufficient a Store of Powder
p. 47 in the publique Magazine as might be wisht at this tyme To the End that all the Powder and Ball now in the Province to be dispos'd of by any Merch^ts Traders may be secured for his Ma^tys Service at this Juncture. Resolved and advised (in Case his Ex^ncy shall send any Powder & Ball to South Carolina) that the Colonels & Sherriffs of the Several Countys make dilligent Inquiry what Quantity or Quantitys of Powder and Lead are in the hands of any Merch^ts or Traders, And that they imediately impress the Same for his Ma^tys Service, to be lodged with and Secured by the respective Colonells of the Countys and payd for at the Publique Charge And in Case it be discovered that our Neighbour Indians have a Corre-

spondence with the Southern Indians Advised that His Ex^{ncy} Lib. W. B.
and any three of the Council will issue an Order ag^{t} selling any Powder or Lead to Indians.

The Smiths Acco^{t} for worke done to the Powder House being Stated and Settled Ordered that His Ma^{tys} Receiver of the District of Puttuxent pay him out of the Revenue of three pence ꝑ hh^{d} for Arms in his hands the Sume of two pounds One shill and Eight pence.

His Ex^{ncy} proposes to the Council that Whereas some p. 48
Consid^{r}ation was had the last Assembly concerning the building of an House for Arms &c Which might also be Serviceable on other Occasions as particularly for a Council Chamber, and to receive the Country as well as strangers on occasions so requiring & Especially in Assembly tyme, whether It may not be advisable to build such an House out of the 3^{d} ꝑ hhd for Arms &c & pay a Ground Rent of tenn shill ꝑ Ann for the Land, or otherwise to consider of what Rent they think may be reasonable to be given to Encourage the Owners of the Land to build an House Suitable for those occasions, Which he desires they will at their Leisure consider of

At the Council held the 13th Day of July 1715

P^{r}sent as Yesterday, with the Addition of the hon^{ble} John Hall Esqr & Lt Col R^{d} Tilghman.

Ordered that John Rousby Esqr his Ma^{tys} Receiver of the District of Puttuxent forthwth pay to the Honble Col Nathaniel Blakiston Agent for the Province or his Ord^{r} what money he has in his hands of the Revenue of the One fourth part of the moyety of two shill ꝑ hhd appropriated to purchase Arms &c. in Ord^{r} to his purchasing Such Arms & Amunition as his Ex^{ncy} the Govr shall direct him

Maryland ss^{t}

At the Council held at the Council Chamber in the City p. 49
of Annapolis August 24th 1715 and in the second year of the Reigne of Our Sovereigne Lord George King of Great Britain &c:

Present

His Excellency John Hart Esqr his Majesty's Capt Generall and Govern^{r} in Cheife

	Col Edward Lloyd	Col Thomas Addison
The Honble	Col Wm Holland	John Hall
	Col Wm Coursey	&
	Lt Col Sam^{ll} Young	Philemon Lloyd Esq^{rs}

Lib. W. B. His Excellency acquaints the Board that He had lately received a Letter from my Lord Guilford dated the 30th of May 1715.

A Paragraph whereof He Communicated to the Council

Apr. 16

S^r On Good Fryday Benedict Leonard Lord Baltemore died And his son Charles now Lord Baltemore having chosen me his Guardian I have on his Lordships behalfe Nominated and appointed You his Lieutenant and Cheif Governour wch his Majesty has been graciously pleased to approve and you will herewith receive a Commission and some short Instructions accordingly

And then lay'd before the Board the Oath his Excell^cy tooke as Governour of this Province on Wednesday the
p. 50 twenty seaventh of October 1714 on Notification of His Majestys Accession to the Crowne as followeth Viz.

I John Hart Esqr do swear that I will be true and ffaithful to his Majesty King George his Heirs and Successors and his and their Rights and Royal Jurisdictions and all and every of them into and over this his Province of Maryland the Islands and Territories thereto belonging I will at all times defend and maintaine to the utmost of my Power and will never accept any Place Office or Employment within the s^d Province any way concerning or relating to the Government thereof from any Person or authority, but by from or under a lawful Authority derived or to be derived from tyme to tyme to his s^d Majesty his Heirs and Successors I will faithfully serve his Majesty as his Govern^r or Commander in Cheif of the said Province and in all other Offices Committed or to be Committed to my Charge by his Majesty's Commission or Commissions to me and will willingly Yield up such Commission or Commissions againe And all Offices Powers and Authorities granted or to be granted by them or any of them into the Hands of his Majesty his Heirs and Successors or to such Person or Persons as He or they shall appoint whensoever He or they shall appoint me so to do and shall signifye the
p. 51 same unto me And will not Presume to put in Execution or Attempt to Execute any Office Power or Authority granted unto me by any of the said Commissions after that His s^d Majesty his Heirs or Successors shall repeale them or any of them respectively and that such Repeales be Published within this Province I will do Equal Justice to the Poor and to the Rich within this Province to the best of my Skill Judgement and Power according to the Laws and Ordinances of the said Province and in default thereof according to my Conscience and best discretion and the Power granted or to

be granted unto me by his s^d^ Majesty's Commission or Com- Lib. W. B.
missions I will not for ffear ffavour or Affection or any other Cause hinder or delay Justice to any but will truely Execute the said Office and Offices respectively according to his Mat^y^ Commission to me in that Behalfe and to the true intent & meaning thereof and not otherwise to the best of my understanding and Judgement; I will not know of any attempt against his s^d^ Majesty's Person his Rights or Dominions into or over the said Province and the People therein, But I will Prevent Resist and oppose it to the utmost of my Power and will make the same knowne wth all Convenient Speed to his said Majesty And I will in all things from tyme to tyme as occasion shall require faithfully Counsell and Advise his said Majesty according to my Heart and Conscience.

After which his Excellency declared that notwithstanding he had received a Commission from the Right Honb^le^ the Lord Charles Barron of Baltemore and the Lord Francis p. 52
Guilford his Guardian to be Lieutenant and Cheif Govern^r^ of this Province, Yet He had not had the least Instruction or notice of the Government being by his Majesty restored to my Lord Baltemore. And having produced the s^d^ Commission dated the 30th of May 1715. Ordered the same to be read at the Board which was so done. And then desired the Members of the Board Severally to give their opinions Whether it be advisable for his Excell^cy^ to Accept of and Act by the said Commission without some particular Instruction direction or Notification from his Majesty or other Legal notice that he has been graciously pleased to restore the Governm^t^ to the Lord Proprietor since his Excellency now Administers the Governm^t^ by Virtue of his Majesty's Royal Authority under the Great Seale of Great Britain and according to the Oath before recited.

The Board are unaminously of Opinion that as his Excellency has declared he has not received any Instructions or Notice from his Ma^ty^ or any legal Authority derived under him of his Pleasure to restore this Government to the Lord Proprietary He ought not to accept of or Act by the said Commission or any ways resigne up the Administration of the Government he now holds under his Majestys Authority untill his Majesty's Pleasure is signifyed to him for so doing.

His Excellency having received a Letter from the Honb^le^ Col Alexand^r^ Spotswood of the fifteenth of July last com- p. 53
municated it the Board as followeth viz.

S^r^

Last night I received the Honour of Yours of the tenth Instant with a Pacquett Inclosed from South Carolina; I can-

Lib. W. B. not better answer Your desire of knowing the state of that Province than by inclosing the Copy of what I have just writt to the Secretary of State according to the Information I received from a Gentleman of considerable ffigure in that Governm[t] sent hither to Sollicit it for an immediate assistance of Men upon whose Representation I have gone as farr to succour them as the Authority of a Governour supported by the Concurrence of a Council wou'd Enable me by immediately resolving to raise 300 Men for that Service and have allready used such dispatch therein that there were but fifteen days between the Arrival of the Commissioners here and their dispatch with an hundred and Eighteen of that Number Next Wednesday I intend to Embarque 40 or 50 more and the Remainder will be ready against the returne of the Valeur. These are also to be Armed from hence for which purpose I have allready sent to Charles Towne 200 good Musquetts and preparing a hundred more to be sent with the first opportunity.

p. 54 The Encouragement proposed by the Governm[t] of South Carolina for engaging these Men in their Service are the pay of 30 ꝑ month Carolina Mony provisions of Victuals and some Supply of Cloathing against Winter; but the main inducement has been a Proposal I made and which the Carolina Agents agreed to tho It was not in his Instructions that for every Man sent from hence a Slave should be sent hither to Worke in his Roome and to remain here as a Security for his pay.

The Government of South Carolina has desired no less than a thousand Men but it not being judged advisable to Spare from hence so great a Number while we are apprehensive of an Attacque on Our owne ffrontiers. I advised their applying to you for a like Assistance if after the Arrival of the Succours from hence they found it necessary not doubting but upon their sending Executed a Contract of the like Nature to Your Government as that they have Entered into with this You wou'd Supply them with as many Men as the Condition of Your Province cou'd Spare.

By what I can yet learne there is no reason to suspect any of Our Indians holding a Correspondence with the Enimie, nor has there been as yet any appearance of them on our ffrontiers: but I am surprized at an Affidavit sent me in the Pacquett from South Carolina and of which I send you a Copy and as I know none of our Traders of the Name of Wilson nor any Traders gone from hence or returned hither of late I desire You will be pleased to Enquire if any such persons belong to Your Province or are Come thither with the Skins mentioned in that Affidavit.

I thought it necessary at this Juncture to call an Assembly as well to provide for the defence of this Country as to try what may be done for the further releif of their Fellow Subjects and they are to meet the 3d of next Month. It wou'd be of the greatest Service to these Plantations if Maryland Virginia & North Carolinia cou'd be brought to raise a Force of 1500 Men to march directly to the Indian Towns and destroy and Harrass those of whome we are most in danger such an Effort would Convince the Indians that we are not so Easily Subdued as they have imagined but this is rather to be wished for than depended on, since I beleive You are allready sufficiently acquainted with the humour of Assembly. Lib. W. B. p. 55

I dayly expect the Returne of the Valeur and believe You need make no Extraordinary preparations either of Provisions or Amunition for Carolina till you hear further since the supply of ten Barrells of Powder and a proportionable Quantity of Shot sent from hence will be Sufficient for some time, and I don't understand that they are in any want of Provisions.

Upon Consideration had by the Board of the last Paragraph thereof the Members of the Council now Present think fit to Continue the Resolutions made the last meeting of the Council relating to the aiding his Matsy Subjects in South Carolina. His Excellency says he has got Bills of Excha: for five hundred pounds sterl. from Mr John Rousby by His Majesty's Receiver of the District of Puttuxent to purchase Arms &c. and has wrote to Col Blakiston Agent for this Province to buy a suitable quantity. p. 56

At a Council held at the Council Chamber in the City of Annapolis September 3d 1715 C. P.

Present

His Excellency John Hart Esqr Govnr in Cheif &ca
Col William Holland Philemon Lloyd Esqr
The Honble Col William Coursey &
Lt Col Samuel Young Lt Col Rd Tilghman

His Excellency acquaints the Board that He has put off the Court of Chancery to the first of December next Having received a Commission from the Rt Honble the Lord Baltamore which he has allready Communicated to them and Cannot but beleive it to be a very good one, and that there is nothing wanting but a Supersedeas to the Authority granted him by his Majesty, And therefore for the same reason intends to do the like with the Court of Appeals, And

C. P. forasmuch as it is offered, that in Case any Judgements shou'd be rendred at the next Provincial Court to be held the 14th Instant the same may be reversed as Erronious for want of due Commissions to that Court.

His Excellency was pleased to desire the Opinion of the Board, whether it be not proper to Adjourne the Provincial Court, and after what manner, and whether any reason shou'd be given therefore, and to what tyme.

In answer whereto The Board are of opinion that the Provincial Court shou'd be adjourned untill the first Tuesday in May next;—But that one or more of the Justices thereof shou'd meet at the day of the Returne of the Process, to take the Returnes thereof and Appearances on Recognizances And Order the other Proceedings to be generally continued to the aforesd first Tuesday of May next, And then without any further Proceedings to Adjourne the said Court to that Tyme. And that in the mean time His Excellcy will be pleased to Issue his Proclamation intimating the Same to the Sherriffs, Jurors, Evidences, Suitors and others to prevent their Trouble & Expence in Coming over the Bay, and from other distant parts of the Province, to Attend the sd Court.

The sd Proclamation being prepared, was read, and approved of as follows Viz.

Maryland sst

By His Excellcy the Capt Genrll A Proclamation Whereas It is thought advisable that the Provincial Court which now stands adjourned until Tuesday the thirteenth Instant, shou'd not proceed to any further Buisness save to the taking the Returnes of the Process of the said Court, and Appearances on Recognizances to that tyme, and to order the Process of the Court to be generally continued, And then Adjourne the sd Court to the first Tuesday in May next; I have therefore by and wth the Advice of his Matys Honble Council within this Province, thought fit to Issue this my Proclamation, notifying the same To the End that the sevrll Jurors, and Evidences, summoned to the sd Court and all Suitors thereto (Save such as are concerned on the sd Appearances & Recognizances) may not give themselves the Trouble, & Expence of Attending thereon, from which They are hereby discharged And to the End that all Persons may have due and Speedy notice hereof, I do hereby strictly Comand and require the respective Sheriffs, of the sevrll Countys in this Province forthwith to Publish this my Proclamation, in the most Publick and frequented Places, of their respective Countys. Given at the City of Annapolis the 3d day of Septbr in the second Year of

the Reigne of Our Sovereigne Lord George King of Great Britain &c: Annoq Dni 1715 C. P.

God Save the King.

Vera Copia Exacta

W Bladen Cl Concil.

An Account of the Sevr^ll Offices within the Province of Maryland.

first His Excellency John Hart Esqr Capt Genr^ll & Govern^r in Cheif of the said Province.

The Council Consisting of twelve of the most able and discreet Gentlemen of the Province who at Present are

	Col Edward Lloyd	Col Thos Addison
	Col Wm Holland	John Hall Esqr
The	Col Wm Coursey	Col Wm Whittington
Honb^le	Col Thos Ennalls	Philemon Lloyd Esqr
	Lt Col Samuel Young	Lt Col Richard Tilghman &
	Col Thomas Greenfeild	John Dorsey Esqr lately dead

Who Assist his Excellency the Govern^r with their Advice on all Urgent Occasions relating to the State welfare and defence of the Province: And are by Act of Assembly allowed for their Attendance each day in Council and in the Gener^ll Assembly One hundred and fifty pounds of Tobacco, but were formerly Supported Out of the Lord Proprietarys Revenue

His Excellency the Govn^r and Council with four Delegates for every one of the twelve Countys in the Province and two Burgesses from the City of Annapolis, Compose the General Assembly or Legislature of the Province representing three Estates thereof Viz. His Excellency the Govn^r the first: His Mat^ys Council, the Second And the Delegates their Electors to witt the Free Holders and other Inhabitants of the Province, the third, Wherein his Excellency the Govern^r has allways a Negative Voice.

His Excellency the Govn^r by Virtue of His Mat^ys Royal Commission is Keeper of the Great Seale of the s^d Province in Consideration whereof there are Sundry ffees settled by Act of Assembly for the Sealing the several Processes and Decrees of that Court the Yearly Value of which Fees are very uncertain according as the Publick or Private Buisness happens to be more or less Yearly: The s^d Fees have in some Years amounted to fifty Thousand pounds of Tobacco ꝑ Ann. Seldom more but very often less and are dispersed in the sev^rll Countys out of which the Sevr^ll Sherriffs have a Sallary often ꝑ Cent for Collecting.

C. P. The Judges of the Provincial Court at Prsent are five Viz. The Honble Col Wm Holland, Col Thomas Smith, Lt Col Samuel Young Col Thomas Addison, And Lt Col Richard Tilghman. The said Court holds Plea of all Actions Real, Personal and Mixt, between Party and Party as well as Debts due to the Crowne & Criminal Matters so that the Court may be well said to be, both Kings Bench, Common Pleas and Exchequer. The Justices of the Court are allowed by Act of Assembly for every days Attendance in Court One hundred & fourty pounds of Tobacco per diem; They hold the said Court Generally twice in the Year Viz. Aprill & October.

The Secretary of the Province is keeper of the Records and Prothonotory of this Court which Office He Executes by his Clerk commonly Stiled the Clerk of the Provincial Court To whome he pays a certain Sallary Yearly. The number of Attorneys in this Court is not certain their Fees are settled by Law. The Attorney Generall constantly Attends this Court and is at prsent Mr William Bladen to whome her late Majesty was pleased to allow a Sallary of 100 £ per Ann. to be payd out of her Revenues in this Province; but what was unapropriated, being granted by her late Maty to the Late Benedict Leonard Lord Baltemore he has not received any Satisfaction therefore. There is also a Cryer of this Court whose Fees are settled By Act of Assembly Appeals are made and Writts of Error brought from the Provincial Court to the Govnr in Council who are appointed a Court by Act of Assembly to receive and hear them.

Mr William Bladen is Clerk of the Council of State at the Sallary of twelve thousand pounds of Tobacco ꝑ An. He is also Clerk of the Council or upper House of Assembly at the same Sallary ꝑ Ann.

Thomas Macnemara is Clk: of the House of Delegates at the Sallary of twelve thousand pounds of Tobacco per Ann.

William Bladen Esqr is the prsent Commissary Genrll or Judge of Probat of Wills and Granting Administrations: Whose Office is to see that all Wills of Persons dying in this Province Testate be duly proved, And the Execution thereof duly committed to such, who are appointed Exectrs thereof, and to take Care that all Admracōns be duly granted to such who have Right thereto and legally represent the deceased Intestates, also to swear them faithfully to Execute the Trusts reposed in them and to appoint and grant Warrants to Appraisers whome he is likewise to swear to receive and inspect all Inventories returned to his Office: And to Examine & pass the Accounts of all Exectrs and Administratrs upon their Oaths and proper Vouchers produced for the sevrll payments and disbursements they exhibit against the deceased's Estates

To Transmitt the Ballance of all such Accounts to the respect- C. P
ive County Courts where there are any Orphans of the deceased to whome the same is due to be taken care of and secured by the Justices of the s^d County Courts for the Orphans Use And also to make Decrees on Suits for filial Portions Legacys or other Matters Cognizable in that Court, to which purpose he holds his Court not less than six tymes in the year and gives his Constant Attendance with his Regist^r and two Clerks for the due dispatch of the Buisness incident to that Office The Fees whereof are Considerable But inasmuch as the Country for Severall Years last past has God be thanked been very healthful, and the People Generally poor so that very many Estates are made over in the Owners life tymes besides the Provision made by Act of Assembly that the Comissary Generall shall have no Fees where the deceased's Estates Exceed not ten pounds Sterling; After the Office is Supported, and the Registers Sallary payd which is allways a Certain Quantity of Tobacco not less than £20000 The Fees of that Office for the last two Years have not Exceeded 70000^l of Tobacco ꝑ Ann clear to the Commissary Genr^ll and that dispersed in many hands in the Severall Countys

There are in every County a Sherriffe, a Surveyor, and two or three Coroners, also in some Six Seaven, eight, nine or ten Commissioners of the County Court or Justices of the Peace according to the Extent of the County who hold their Sessions four times in the Year Viz. in March June August and November, & have Jurisdiction of all personal Actions not Exceeding 60000^l of Tobacco, and also of all Criminal Matters Committed in their Countys whereof Judgem^t doth not Extend to Life or Member; These Justices have Severall Powers and Authoritys given them by sevr^ll Acts of Assembly: Viz. to decide Small Suits not exceeding 400^l of Tobacco or 33^s & 4^d according to their discretion as also all differences between Masters and Servants, also to Levy upon the Taxable Persons of their County so much Tobacco by an equal Assessment as will defray the necessary Charges of their Countys: Part whereof is for their severall Attendances in Court, allowed by Act of Assembly Eighty pounds of Tobacco ꝑ^r Day to each Justice. Here is a Cryer of every County Court, whose Fees are also settled by Act of Assembly

There are two Corporations in the Province Viz. the City of St Maries and the City of Annapolis the first whereof has been long disused—That of Annapolis Consists of a Mayor, Recorder, Six Aldermen and ten Common Councilmen: The Mayors Court holds Plea of Actions of Debt not Exceeding five pounds and of other small Trespasses & Misdeamean-

C. P. ours. There is a Sherriffe for the City of Annapolis and two or three Attorneys of the Mayors Court whose Fees are Limited by Rule of Court, and are far less than what are taken in the County Courts

The Court of Vice Admiralty was formerly held by Commissioners under his late Royal Highness Prince George Lord High Admiral of England, Who appointed a Judge Register and Martial, but Since his Death that Court has not met, but is Supposed may be againe Erected by particular Commissions from the Govn^r and Vice Admiral of this Province for th^t Purpose.

His Majesty has three Collectors of his Customes in this Province—

John Dansey Esqr for Puttuxent at 80^l Sallary ꝑ Ann
James Bowles Esqr for Potomeck at 60^l ꝑ Ann
William Stoughton Esqr for Pocomoke at 60^l ꝑ Ann.

Mr Wm Bladen is Surveyor & Nav^l Offi^r at Annapolis at 60^l ꝑ Ann. Mr Thos Collier is Survey^r & Nav^ll Offc^r at Williamstadt at 60^l ꝑ Ann. Mr John Phelps is Surv^r & Nav^l Offc^r at Potomeck at 60^l ꝑ Ann. Mr Stephen Knight is Surv^r & Nav^l Offc^r at the Head of the Bay at 60^l ꝑ Ann. Mr Wm Forest is riding Surv^r for the Seabord Side of Somersett County.

There are two receivers of his Mat^ys Revenue within this Province, One Viz. John Rousby Esqr (who is Nav^l Officer of Puttuxent) Receiver for that District a Sallary of One hundred pounds ꝑ Ann, & to be payd him out of the King's Revenue Fines & Forfeitures

And John Dansey Esqr is Receiver of his Mat^ys Revenue &c in the District of Potomeck at the same Sallary of £100 per Ann.

The Proprietary has his Agent & Surveyors for his Land Affairs.

There are Parishes in the Province whereof Six are now Vacant of Incumbents These Parishes one with another are worth about twenty thousand p^ds of Tobacco ꝑ Ann. but not being so well divided, some are of far more and others of far less Emoliment. The Lord Bishop of London is the Diocessan of the Province.

Lib. W. B. Maryland ss^t
P. 59 At a Council held at his Excell^cy's House in the City of Annapolis Tuesday December 27th 1715

Present

His Excellency John Hart Esqr his Mat^ys Governour of this Province

	Col Edward Lloyd	Lt Col Sam^ll Young
The Honble	Col Wm Holland	Philemon Lloyd Esqr &
	Col Wm Coursey	Lt Col Richd Tilghman

His Excellency communicated to the Board a Paragraph of a Letter from the R^t Honble the Lord Proprietor and the Lord Guilford Dated at London September the 19th 1715 Viz. Lib. W. B.

As to that Part of your first Letter in which You Excuse Yourselfe to my late Lord for transgressing his first Instructions upon acc^t of not giving up Your Government till the King's Pleasure was knowne, is now fully answered by the Commission you have from us with the King's Approbation according to Law & so all the Authority You had from the Commission the Crowne gave you is determined both by that and the Proclamations sent you from hence by the Government p. 60

After which his Excellency produced his most sacred Majesty's Royall Instructions under his signe Manual and Privy Seale dated at St James's the first day of July in the first year of his Majesty's Reigne &c. Annoq Dñi 1715

Intituled Orders and Instructions to our Trusty and well beloved Francis Lord Guilford for and on Behalfe of Charles Lord Baltemore of Our Kingdom of Ireland a minor, Proprietor and Govern^r of Our Province of Maryland in America in pursuance of severall Laws relating to the Trade and Navigation of this Our Kingdom of Great Britain and our Colonys and Plantations in America

Part of which Instructions are in the Tenour following viz.

First, You shall give Directions & take special Care that John Hart Esqr Deputy Governour of Our Province of Maryland do in the first Place informe himselfe of the Principal Laws relating to the Plantation Trade, viz. &c. p. 61

And further His Excellency produced a Commission from the said Lord Baltemore and the said Lord Guilford his Guardian for and on his Behalfe Dated in London the 30th of May 1715 under their Lordships Hands & Seales, constituting him the said John Hart Esqr Lt Govn^r of this Province Admirall and Capt Generall of all the Forces within the same, which was read in the following Words, Viz.

Charles absolute Lord & Proprietor of the Provinces of Maryland & Avalon Lord Baron of Baltimore &c. And also Francis Lord Guilford Guardian to the said Charles Lord Baltemore for & on his Behalfe

To John Hart Esqr Greeting

Whereas His late Majesty King Charles the first of blessed Memory by his Royal Letters Pattents under the Great Seale of England bearing Date the twentyeth day of June in the eighth Year of his Reigne was graciously Pleased to grant

Lib. W. B. for the Causes & Considerations therein mentioned unto
p. 62 Cecilius Baron of Baltemore His Heirs and Assignes the said Province of Maryland &c. With all Powers Jurisdictions and Authoritys whatsoever necessary & convenient for the well Governing Safety and Preservation of the said Province and the Inhabitants thereof and to that End all matters and things whatsoever to do and Performe either by Himselfe his Heirs or by His or their Deputys or Lieutenants as in by the s^d^ Letters Patents Relation thereunto being had more fully and at large appears, and his present Majesty King George having approved the Appointment of You to be Lieuten^t^ and Chief Governour of the said Province Know therefore that I the said Lord Baltemore and I the said Lord Guilford Guardian of the said Lord Baltemore on his Behalfe Reposing especial Trust and Confidence in your Loyalty Courage Prudence and Conduct have (by virtue of the Powers given in and by the s^d^ Letters Pattents and Aprobation aforesaid) Constituted Nominated & Appointed and by these Presents do Constitute Nominate & Appoint You the said John Hart to be Lieuten^t^ and Cheif Govern^r^ of the
p. 63 said Province of Maryland Giving and hereby Granting You full and absolute Power and Authority to Exercise Execute and put in Practice all and every the s^d^ Powers Jurisdictions and Authoritys so Granted in and by the said Letters Patents as afores^d^ necessary and convenient for the Defence Safety Preservation well being and good Governing of the said Province and generally to doExecute and Performe all and all manner of matters & hings whatsoever requisite and necessary for the good Order of Governm^t^ Administring Maintaining and Executingof Justice and for the Security Defence Safety Peace and Preservation of the said Province and People hereby committed to your Charge. And also with the Consent of the Council and generall Assembly of the said Province to Repeale or Alter any Laws whatsoever in the said Province as shall be thought fit to be changed and to Enact all such reasonable Laws and Statutes for the better Governm^t^ of the s^d^ Province as You wth the Advice & Consent of the s^d^ Council & Genr^ll^ Assembly shall think fit and Expedient Provided such Laws be not repugnant
p. 64 to the Laws of Great Britain nor invading of any the Prerogatives Royal granted by the s^d^ Charter to the Proprietor of the said Province which Laws you are to Transmitt over for the Confirmation or Disallowance thereof of me the said Lord Baltemore, And I the s^d^ Lord Baltimore and I the s^d^ Lord Guilford on his Behalfe do hereby further Impower Constitute You to be Admirall and Capt Genr^ll^ and Commander in Cheif of all the Forces raised or to be raised both by Sea and Land

within the said Province and over them to appoint Proper Lib. W. B.
Officers and them to move & remove at Your Will and Pleasure Provided allways that nothing herein before Conteined shall be deemed Construed or taken to Extend or give any Power or Authority to you the s^d^ John Hart to do Performe Act Consent Acquiesce or agree unto any thing by means whereof the s^d^ Lord Baltemore or his Heirs may be impeached Hurt or Prejudiced in their Royaltys Jurisdictions Property Right Title or Interest of and in the s^d^ Province or any Part thereof anything herein before conteined to the Contrary thereof in any wise nothwithstanding And all Persons p. 65
whatsoever within the s^d^ Province of what Quality or Condition soever they be are hereby strictly Charged required and Commanded to Yeild Give and Pay unto you all Respect Submission and obedience as they will answer the Contrary at their utmost Perill. To hold Execute & Enjoy the s^d^ Office of Lieuten^t^ and Cheif Govern^r^ of the s^d^ Province of Maryland with all and every the Powers and Authoritys herein before granted or mentioned to be granted unto You as afores^d^ during the Pleasure of me the s^d^ Lord Baltemore You the s^d^ John Hart observing and performing such Orders & Instructions as from Tyme to Tyme You shall recieve from me the s^d^ Lord Baltemore or from my s^d^ Guardian And lastly I do hereby revoke repeale and make voyd all former Commissions whatsoever given to You or any former Govern^r^ or Commander in cheif of the s^d^ Province of Maryland Given under the Hands and Seals of the s^d^ Lord Baltemore and Lord Guilford in London this thirtieth Day of May in the first Year of Our Sovereigne p. 66
Lord King George &c. and the first Year of Our Dominion of the s^d^ Province Annoq Dni One thousand Seaven hundred and fifteen

Baltemore [Seale]
Guilford [Seale]

And then desired the Opinion of the Council whether the former Objections ag^t^ his Surrendring up the Governm^t^ without particular Directions from the Crowne be not Sufficiently Answered.

Whereupon it Appearing under his most Sacred Majesty's Signe Manual & Privy Seale that he had been graciously Pleased to Approve of his being the Lord Proprietors Lt Governour in Cheife in this Province.

All the Members of His Majesty's Council now present Unanimously answer they do think the s^d^ former Objections are now Sufficiently answered And that it is their Opinion and Advice that His Excellency shou'd forthwith Surrender up the Governm^t^ of this Province to his Lordship the Lord Proprietor and Accept of and Execute his Lordships Commis-

Lib. W. B. sion to Him for the Governm[t] thereof, His Excellency being particularly named in his Majesty's s[d] Royal Instructions as
p. 67 his Lordship's Deputy Govn[r] over this Province.

Then his Excellency desired the Board to Advise Him after what manner it might be fitting to publish his Lordship's Commission to Him for the Administration of the Governm[t]

To which the Council say they are of Opinion that the said Commission shou'd be published to Morrow before Noon in the Publick Court House of this City His Excellency being there Present with the Members of this Board, the violent hard weather and deep Snow now on the Ground having prevented the Meeting of a full Council till late this Evening.

And further Advised that Proclamation Issue to Dissolve the Present Gen[ll] Assembly which being prepared and approved in the following Ten[r] was immediately Issued Viz.

Maryland ss[t]

By His Excell[cy] the Cap[t] Genr[ll] &c.

A Proclamation

Whereas the Genr[ll] Assembly of this Province now stands Prorogued unto the twentieth day of February next Ensuing. But forasmuch as the s[d] Assembly being called by His Majestys Writts of Election it wou'd not be Proper that they
p. 68 should Enact Laws in his Lordship's Name by Virtue of the s[d] Election I have thought fit by and with the Advice of his Lordship's honb[le] Council with in this Province to Issue this my Proclamation declaring the s[d] Assembly to be dissolved. Of which all Persons are to take due Notice and Conforme themselves accordingly thereto; And to the End that all Persons may have due Notice thereof I do hereby Command the sevr[ll] Sherriffs of the respective Countys within this Province to Publish this my Proclamation in the most Publick and frequented Places of their sevr[ll] Countys whereof they are not to faile at their Perills. Given at the City of Annapolis under his Lordship's Great Seale this 27th day of December in the first Year of the Dominion R[t] Honb[le] Charles Lord Baron of Baltemore Absolute Lord & Proprietarie of the Provinces of Maryland & Avalon &c. Annoq Dni 1715.

W Bladen Cl Concil.

C. P. Maryland ss.

At a Council held at the City of Annapolis on Monday the 13th day of February in the second Year of his Majesty's

Reigne &c. And the first Year of his Lordships Dominion over this Province, Annoq Domini 1715. C. P.

Present

His Excellency John Hart Esqr Govern^{r} of this Province &c.

	Thomas Brooke Esqr	Col Thomas Addison
The Honble	Col Wm Holland	&
	Lt Col Sam^{ll} Young	Lt Col Richd Tilghman.

Memorandum.

That the Honble Edward Lloyd Esqr obtained His Excellency the Governour's leave, to be absent from the Board, at this tyme.

The Honourable Thomas Brooke Esqr being present at the Board, his Excellency delivered to the said Thomas Brooke Esqr, a Letter from his Lordship, the R^{t} Honb^{le} the Lord Proprietorie, and the Lord Guilford, Dated at London September the 19th 1715 and directed to Thomas Brooke Esqr and the rest of the Gentlemen, of Our Council in Maryland as follow's Viz.

Gentlemen.

The Experience which You have had, in the Affairs of Our Province, gives you Ability to Serve us. The Confidence we have in Your Fidelity, has caused us, to Constitute You of Our Council, and Your Govern^{r} will herewith deliver you, Our Commission, Do Your Duty to us, and you may Expect all Favours from

Srs Your affectionate Friends
Guilford
Baltemore

Which being read.

The said Thomas Brooke Esqr Col Thomas Addison and Lt Col. Richard Tilghman, tooke the Oaths to the King appointed by Act of Parliament, instead of the Oaths of Allegiance and Supremacy, the Oath appointed by the fifth and Sixth of Queen Anne, for securing her Mat^{ys} Person and Government, and the Succession to the Crowne of Great Britain in the Protestant Line, which they Subscribed as also the Test, and then tooke the Oath of a Councellor, of State, within this Province.

His Excellency acquainted the Gentlemen of his Lordship's Council, that Mrs Mary Hemsley the wife of Mr Philemon Hemsley, a liver in this Towne, having by some strange Means found or got into her Hands, a Letter wrote by a Popist Preist, in this City, to another Dated near three Years agoe, which she had kept from his Excellency's Knowledge,

C. P. tho' she had intimated to severall of her acquaintance, that it was of dangerous Consequence, and tended to excite Rebellion, in the Province Which he hearing from severall Hands, had required the said Letter, which was now in the Hands of the Clerk of the Council, and inclosed under his Excellency's owne Seale.

Which by his Excellency's order, was opened at the Board, by the Clerk of the Council, and read as follow's Viz.

R^d in Chr. P^r

D C Yours of the twenty first was very agreeable, especially towards the End, for its ingenious banter, had I not been Prevented by this Your Sarcasm, I might have had Prudence enough to have desired Your Correction, of my imperfect and indigested Thoughts, that the abounding Dross, might have been severed, by Y^r Skilful Hand, from the little Bullion, if Yet there be any Ore, therein Conteined, but as for Y^r Perusal of my &c^a with the mentioned designe, I shall never consent, to so much loss of Your tyme, As for that which has four times stood the Test, its too thread bare, to appear this cold Season, & its well if it be not condemned, to lower Germany, before I see You next, for its so ill acquitting its selfe, in past Service.

But whence this unseasonable Petition, this unexpected Demand, was it to stop my Mouth, from the like foreseen request, Indeed I might wth greater reason, have Petitioned a Moddel, to Copy after, for w^t Wonder if Militiæ tyro Militis emeriti artem sibi, in Exemplum Proponit &c.

What you mentioned of Mr James Carroll's Liberality, was News to me. I do not see why we may not Strike, while the Iron is hot. Why can we not enter thereon, tho' with some difficulty? all beginnings are hard, but why may not we rub through as well as Our fforeffathers? wou'd not two or three Hands Suffice for a beginning? & this I shou'd think might be procured: I acknowledge myselfe unfit for such an undertaking but shou'd be very willing to do my Endeavours, to struggle with it were it Committed to my Charge, and why don't we admitt the Offer, since a new Supply is expected with the Major? I am much of the Italian's mind, that no Occasion is to be Passed by I suppose what you mentioned, was Secret, and shall therefore do my Endeavour, to take away difficulty, and forward the main concern I conclude wishing you a happy Christmass, & a good New Year, Mr Hunter tells me (for a fresh thought occurrs and I can't conclude as yet) in one I lately received from him, that he is recovered from his relapse, but very Chilly, & Subject to Colds, And that for his Ease, Mr Brooke was inclining, to have You

Serve Mr Neals Congregation, so I congratulate Your new C. P.
Mission Pray give my Kind service to Mr Hunter, in Y^r^ next & let him know I shall not faile, to returne the Favours. Yesterday I had a letter from Mr Thorold, of the 12th Mr Williams was well as then, & in his Exercise, Mr Thorold will be here with us at the Mannor, for 12th day, Mr Darnall is allways so extreamly obliging to me, that I am ashamed to Come to the Wood Yard, Praying Humble Service to him & his Lady, Mr Diggs & his Sister, & wish them all in my Name, a good Christmass & happy New Year, Command me

10^br^ 21st 1712 Yo^r^ obliged humble Servt
P. Attwood
S. J.

As for News I know You value it not, being taken up in Matters of Greater Moment, & therefore I here advise You to lay aside my Letter, and read no further but give it to Mr Darnall to whome Perchance it may be acceptable. On Sunday Capt Hoxton came hither, and gave us the ffollowing Accounts, (but first it may be worth while to advise You, he is totally in the Low Church Interest, and somewhat ignorant, in Foreign Affairs. He sat Sail from Portsmouth the last of Octob^r^ and entered the Capes Yesterday was Sevenight, being the thirteenth Inst: He lay beating about the Capes 3 Weeks, so that had he found a favourable Wind here, his Passage had been of nineteen days onely, altho he went to the Southward his Ship is new, & a delicate Sayler, they made 450 Leagues in one Week, and often two hundred and fifty miles in one day, and many more are the Wonders he tells of Her, her name is the Antelope Pink this is her first Voyage. Daniel Watts is arrived, his leg is but Skin & bone and not healed, so that he went not on Shoare in England, He went to Holland, with part of his owne Freight, and other Tobacco and from thence is gone to New Castle to load with Coale, great Part of his Tobacco and other is sold, some in England from 2½ to 4, some in Holland from 3 to 6 Stivers p^ll^ the Parliament was not Chosen when he left England, and are not to sitt till January, the Members are much the same the High Church are put to it, especially in London, where four Merchants were designed for Members, by the Low Church trading Party, but the high Church, use all Industry to strengthen their side, they take all out of Prisons to Vote for them, giving them and their Guardians each a Guinea. Mr Carlton (who is not Coming hither, but is actually under Confinement, & has a Statute of Banckrupt out against him) was taken out to Poll: The Emperour is not Come in, nor is there any Truce between &c: Landau is taken, and Phriburg

C. P. beseiged, the which will soon follow, the French Carry all before them, and unless we secure the Peace of the Empire, we must soon joyn with the Emperour in another War wth France. The King of Sweeden is not returned but still in Adrianople, Marlbourough with his Dutchess, is also in Germany, and the Report of his Returne, was a Fiction. The Party run as high in England, as ever, & the Low Church, as he says, are more numerous, but out topt by the unfair Proceedings, of the other Party No Dutys are taken off as Yet either of French Goods in England or of Ours in France, the true Articles of Peace are not Published, and the Peace, be it as it will, gives but small Satisfaction Dunkirk is not rased, nor will it be in all appearance, the Pretender is still in France, the Dutch and Spaniard are not agreed, and constantly make Prizes of each other, hence the Dutch dare not sail in the Mediteranean, and are forced to Employ the English in those Parts, the D: Daumon is the French Embassador but will soon be Succeeded by another, many of Our Soldiers are disbanded, Six or eight thousand are sent for Ireland.

I am afraid You will scarce be able to read, much less understand, what I have writt, my tyme Presses, and I am forced to press on, You have it as I received it, and giving the due allowance, for Party Prejudice, You may guess what's true & what's exaggerated; the Capt. says Mr Hyde, will send Mr Duell, no more into these Parts, Mr Dare is his onely Passenger.

Abraham the Overseer has his Acc^ts^ for four Hogs^hs^ of prime Tobacco, they fetch him in all 3^ll^ that is 15^s^ ꝑ Hogs^d^ one with another, but then his Charges were two pound two shillings more than last Year, his Freight being 12^ll^ ꝑ Tonn, & Average amounting to twenty two Shillings ꝑ Hogs^d^.

They tell me here Dry or pickled fish Collation, is not allowed by You all, I can't but wonder thereat, it being every where tollerated, for my Part I can't tell what to do, whether to allow leave for flesh, some days in Lent, is not that left to each one in Particular, for my part I think quod indulgeri Possit Propter inopiam Piscium Potiri Casei lactis &c^a^ Quam facile dispensatio Flandria non Solum privatis at omnibus si hyems fuerit Sæverior et Pisces Salsi suscipi non Potuerint Your opinion, & further Instruction, wou'd be very acceptable, by the first opportunity.

I think to make my Exercise and recollection next Month, so hope to see You towards the latter end thereof: Mr Hall left two of my Books at Mr Hills, Pray desire him to send them hither, by the first Occasion, or to deliver them to You.

Mr William Diggs supposes Mr Rozier, carryed my Pow- C. P.
der flask away with him, if so desire him to make restitution, for it belongs to Mr James Carroll, who has bought my Gun for 50^l Sterl My Eyes grow dim, and my Candle is Expiring, and its now half an hour after eleven, so good night for this time, Pray burn the Letter for I believe its all nonsense.

Together wth the Examination of Mrs Mary Hemsley which is as follows. Viz.

Maryland ss^t

Be it remembred, that on Saturday the twenty eighth day of January in the second Year of the Reigne, of Our Sovereigne Lord George, by the Grace of God of Great Britain, France and Ireland, King Defend^r of the Faith &c. Annoq Dni 1715.

Appeared before the Honb^le Samuel Young Esqr one of the Members of the Council of State, within this Province, and one of the Judges, of the Provincial Court, Mrs Mary Hemsley the Wife of Mr Philemon Hemsley, of this City, and being by the aforesaid Samuel young Esqr Examined upon her Corporal Oath, by her taken, upon the Holy Evangelist, of Almighty God, concerning, a certain Letter, dated the 21st of December, 1712, Subscribed P. Atwood S. J. and directed to Mr William Kittuck, at the Wood Yard, by the s^d Mrs Hemsley delivered Yesterday Night, to Wm Bladen, Clerk of the Council; She Deposeth and Saith that about 12 months agoe, she lent to Mr Wm Hunter a Popish Preist at Port Tobacco a Book of the Practice of Physick, which he returned her, about eight months agoe, amongst the Leaves of which Book she found the said Letter open, and finding in the said Letter, some Latin and dark expressions, wch she was Curious to know the meaning of, shew'd it to some of her freinds. That His Excellency the Govn^r John Hart Esqr having got some Hint, or Information of the said Letter, she was in His Excellency's Name by the Clerk of the Council, required and commanded, to send it him, which she did by the s^d Clerk of the Council.

Then the said Mrs Mary Hemsley being asked if the said Letter, now shewn her, by the Clerk of the Council, & upon which she had noted her delivery of it, to the said Clerk, and her own Hand Subscribed, with her Name, was the afores^d Letter, she had shewn, to some of Her Friends, and was inquired for, & the very individual, and onely Letter she had found, in the Leaves of the Book returned her by Mr William Hunter, as afores^d She declared it was.

January 28th 1715 — Mary Hemsley
Jurat coram me — Saml Young

C. P. And also the Examination of Mr Peter Attwood, before his Excellency John Hart Esqr and the Honble Lt Col Samuel Young, one of his Lordsps Council of State, and one of the Judges of the Provincial Court, as follows, Viz.

Maryland ss:

Before his Excellency John Hart Esqr Capt Generall and Govnr in cheif of this Province, and the Honble Samll Young Esqr one of his Lordships Council of State, and one of the Judges of the Provincial Court

On the twenty eighth day of Janry in the Second Year of the Reign, of Our Sovereign Lord King George, of Great Britain &c. Annoq Dni 1715, Appeared Mr Peter Attwood, and being Examined by his Excellency the Govnr and the aforesd Samuell Young Esqr concerning a certain Letter by Him Supposed to be wrote, and directed to Mr William Killuck, at the Wood Yard Dated the 21st day of December, 1712 & particularly as to the first Paragraph thereof, acknowledges the said Letter, to be by Him wrote, and deposeth on the Holy Evangelist, that what is therein meant by the Severall Expressions, in the sd first Paragraph, was in answer to a Letter he had some time before that, received from the sd Mr Killuck wherein he had requested, a Sight or Perusall of a Sermon by the Deponent Preached Sevrll times on the following text, Viz. Per totam Noctem Laborantes, nihil Cepimus, which he has now by Him, and to induce him the sd Killuck to think, it might be onely fit to be made away with before he saw him, he used the Expression (if it be not Condemned, to Lower Germany) and tht the meaning of the Question, in the sd Letter viz. was it not to stop my Mouth from the like forseen request, was that the Deponent mistrusted, the said Killuck had rather a designe to Stop the Examinants Mouth from asking to see one of the sd Killucks Sermons, than that the sd Killuck had any reall designe, to see the Deponents; And that the Latin Phrase evinces the Deponents Comparing himselfe with a Young Novice, fitter to gain Experience from a more Skilful Person.

As to the second Paragraph where mention is made of Mr James Carroll's liberality, the Depont meant an Offer made by the sd James Carroll, to Mr Killuck, of a Tract of about three hundred Acres in Baltemore County, to him or any other Preist of the Romish Communion, that would go Settle and live thereon.

And that by the Expression, why shou'd we not Strike while the Iron is hot, He meant he did not know how long the said Mr Carroll, might be of that opinion, or they have the like Offer from him or any body else. As to the Words

why cannot we enter thereon, tho with some difficulty, all C. P.
Beginnings are hard, but why mayn't we rub through as well as Our Forefathers, they are meant Concerning the Settling, the s^d^ Tract of Land, as some others had been formerly done by some other Preists of their Society, which Appears by the following Words, will not two or three Hands Suffice for a beginning, whereby the Deponent meant, two or three Hands, to Work on the said Land.

As to the Words Why do not we admitt the Offer, since a New Supply is expected by the Major

He the Deponent meant, why might not they accept the said Mr James Carrolls Offer, since another Preist might be expected with Major Sewell from England

As to the Expression of, I suppose what You mentioned was Secret, and shall therefore do my Endeavours, to take away Difficulty, and forward the main Concern, the Deponent meant thereby, that he Supposed Mr James Carrolls Settlement was to be kept Private, & promised to endeavour, to remove any difficulty's thereabout, and forward it.

Jan^ry^ 28th 1715 Peter Attwood
Jurat Coram Jo: Hart
Sam^ll^ Young

Mrs Hemsley appearing at the Board, was shewn the aforesaid Letter, & owned it was the Same she had Subscribed, and delivered to the Clerk of the Council, on the 27th of January 1715

And further saith that Mr Hunter, borrowed her book being the Practice of Physick, often being sick, and about nine Months agoe she being Sick, sent it her home, in which she found the Letter, Her Husband would have had it, but she layd it by, wound some Ribband over it Saying if the Roman Catholicks, who are People who have done her some Prejudices, had any ill designes, she thought they were frustrated. And says she has been Assaulted upon the Road, and gone in fear of her life, after Govn^r^ Seymour died, by People that cou'd have no prejudice, to her.

Mr James Carroll, appearing at the Board, and being Sworn upon the Holy Evangelist, to give true and direct Answers, to such Questions, as shou'd be asked him, His Excellency asked him, if he ever heard or knew of any Rebellion, or disturbance, intended to be made by any Roman Catholicks in this Province, about the Year 1712 or at any time since. The said Mr Carroll answers he never did.

Being asked if ever he made, an Offer of a Tract of Land, in Baltemore County; he says that he did, about three Years agoe, offer some Land there, as a Charity.

C. P. The said Mr James Carroll, was told of threatning Expressions, by him used lately & acknowledged that he did say, that in Case any Body Calumniated him, if he could not be righted, by Law, he wou'd do himselfe Justice. He is cautioned to have a Care for his Actions for that all such Persons, who make any discovery, for the Government, are allways under the Protection of it.

His Excellency put the Question to the Board whether there be any Sufficient Grounds, in the said Letter, to prosecute the Persons writing it, or the Person it is writt to, or Mr James Carroll, who is Mentioned therein.

Upon Which they unanimously answer they don't think there is any matter, of Moment in the said Letter, worthy his Excellcys further notice.

His Excellency acquaints the Council, he has had some intimation, that Sundry Roman Catholicks, and other disaffected Persons to his Matys Person of Governmt especially in Prince Georges County, have spoke disrespectively of the Governmt & Shewed their disafection, to his Majesty, by Spreading sundry false Rumours, and especially of advantage gained by his Majesty's Enemies, and drinking or offering to drink, the Pretenders Health, and therefore desires the opinion of the Board whether it may not be fit, to Caution the Magistrates and Sherriffs, of the respective Countys, especially at this tyme, when there seems to be divers Comotions fomented in Great Britain, carefully to observe the Demeanour of such Persons, & upon finding or Suspecting any Persons, in their respective Countys, to be disafected to his Majesty & Govmt and to shew themselves as such by their evil demeanour to tender them the Oaths &ca On refusal whereof they shoud cause them to find good Sureties, for their good Behaviour or Committ them, to the County Goale.

To which all the Members of this Board, do unanimously answer, that they think such Caution, and Directions, from his Excellency to the severall Magistrates, and Sherriffs, is very advisable and absolutely necessary at this tyme, for preserving the Safety and good Governmt of the Province.

Then his Excellency was pleased to ask, the Advice of the Board, after what particular manner such Cautions, and Orders, should be Issued to the sd Sherriffs, and Magistrates to which the Members of the Board, say they think it most advisable, to be done by Proclamation.

And the sd Proclamation being prepared, & read as follows, was forthwith Issued.

Maryland ss. C. P.

By His Excell^{cy} the Capt Gen^{rll} &c.

A Proclamation.

Whereas it is rumoured, that many evil Persons, in this Province, such as Papists, Non Jurors, & others disaffected to the most Sacred Person, & happy Governm^{t} of Our Gracious Sovereigne King George of Great Britain &c^{a} upon Notice of the late Insurrection & Rebellion, in Great Britain, adhering to the open & avow'd enimies of his Majesty's Crowne, and the British Constitution, have industriously spread about divers malitions false and untrue Reports tending to the discouraging, and Weakning the Hands of his Majesty's good & faithful Subjects, hereby advancing their false Suggestions of his Mat^{ys} Troops being over powered by those of the Rebells in Great Britain, & by drinking the Health, & otherwise favouring the false & traiterous Claim, of a Popish Pretender against his Majesty's most lawfull & rightfull Title, to the Kingdoms he so Gloriously Possesses, and auspiciously governs.

In order to restrain such unaccountable, Traiterous & disloyal Actions, & obviate the Malice, and evil Practices, of such disafected evil minded Persons, in this Province, I have thought fit, by and with the Advice of his Lords^{ps} honb^{le} Council of State to Issue this my Proclamation, in the name of the Rt. Honb^{le} the Lord Proprietarie of this Province, Strictly charging & requiring, all Sherriffs & Magistrates, within the same (especially at this Juncture) carefully to observe the demeanour, of such Persons in their respective Countys, and upon any Notice or Suspicion, they shall have of any such Traiterous disloyal, or other unwarrantable Proceedings of any such Papists, Non Jurors, or other suspected Persons, forthwith to Cause them to be apprehended & brought before the s^{d} Magistrates, who are to tender unto them, the Oaths appointed by Act of Parliam^{t} instead of the Oaths of Allegiance & Supremacy also the Oath appointed by the Act, of the fifth & sixth Years, of the late Queen, Entituled an Act, for the further Security of her Majesty's Person & Governm^{t} and of the Succession to the Crowne of Great Britain, in the Protestant Line, which they are to require them to take, and also Subscribe, the last mentioned Oath, for the security of the Succession together with the Declaration, appointed by the Act of Parliament, made in the 25th Year of King Charles the second, commonly called the Test, on refusall whereof, the s^{d} Magistrates, are hereby comanded & enjoyned, to oblige them, to find and give good Security, for their Behaviour, & Appearance at the next County Courts, on Default whereof they are to Committ them to the County Goale, till such Security be given, or they

C. P. shall otherwise be delivered by due Course of Law whereof the s^d^ Sherriffs & Magistrates are in no wise to faille And to the end that all Persons whatsoever residing or being within this Province, may have just & sufficient Notice hereof whereby the Tenor of this Proclamation, may be more effectually executed: I do hereby Command the severall and respective Sherriffs, of the sev^rll^ and respective Countys, duly to publish the same, at all Churches, Chappells and Court Houses, within their Severall Countys, and at such and all other most Publick & frequented Places to make & Affix Sundry Copies thereof, Attested by them Hereof let them not faile at their Perills. Given at the City of Annapolis, this 14th day of Febru^ry^ in the first Year of the Dominion, of the R^t^ Honb^le^ Charles, Lord Baron of Baltemore, absolute Lord & Proprietarie of the Provinces of Maryland & Avalon &c^a^ Annoq Dni 1715.

Ordered that the respective Sherriffs of the Sev^rll^ Countys, in this Province, take an Account of the Names, of all Papists or Roman Catholiques, in their Sev^rll^ Countys, & returne the same, on a fair List with an exact Number of those People, residing in their respective Countys.

Vera Copia p W Bladen Cl Concil.

Copy of the Journall of the Council & of the Council in Assembly from the 23^d^ of April to the 25th 1716.

Maryland ss^t^

Att a Councill held the Twenty third day of Aprill in the first Year of his Lord^ps^ Dominion, And the second of his Majesty's Reigne &c. Annoq Domi 1716.

Present

His Excellency ths Govern^r^ &c.

The Hon^r^able	Thomas Brooke Esqr Col^o^ William Coursey Lt Col^o^ Saml Young Col^o^ Thomas Addison	Philemon Lloyd Esqr & Lt Col^o^ Richd Tilghman

The honourable Col^o^ Thomas Smith being appoynted one of his Lordships Councill tooke the Oaths to his Majestye, appoynted instead of the Oaths of Allegiance and Supremacy, as also the Oath of Abjuration, which he Subscribed, as likewise the Declaratian commonly Called the Test. And then took the Oath as one of his Lordships Councill. After which he tooke his place at the Board.

His Excellency layd before the Board the Copy of the Clause for the Two shill and Nine pence ꝑ hhd Sent in from his Ldsp and his Guardian. C. P.

Which was read to them for their Considration

He also Signifies his Lordships Pleasure of accepting Six pence Sterl ꝑ hhd more in full satisfaction of all his Rents.

And asks their opinion how the Trade may be Affected by the Impost of the last Six pence. All the Gentlemen prsent are unanimously of opinion that Such an Additionall Duty being so inconsidrable not Exceeding one penny ꝑ Cent, The Trade cannot be much Affected therewith especially Considering that the Greatest part of the Tobo is Exported by the Inhabitants on their proper Accounts.

W Bladen Cl Concil.

Maryland sst

At the Council held in the Council Chamber at the City of Annapolis, the twenty third day of April, in the first Year of the Dominion of the Rt Honble Charles Lord Baron of Baltemore Absolute Lord & Proprietarie of the Province of Maryland &ca Annoq Dni 1716.

Present

The Honble
Thos Brooke Esqr
Col Thomas Addison
Lt Colonell Richard Tilghman

This day according to his Lordship's Writt of Election or Summons being Appointed for the meeting of the Generall Assembly; Pursuant thereto Appeared at the Board these following Delegates by Indenture returned for St Mary's, Ann Arundel, Baltemore, Prince George's and Queen Ann's Countys, Viz. Mr Thomas Trueman Greenfeild, Mr James Stoddart, Mr Peter Bond, Col James Maxwell, Mr William Turbut, Mr Joseph Hill, & Major John Hawkins. To whome the Honble Thomas Brooke Esqr Col Thomas Addison and Lt Col Tilghman, by Virtue of his Lordsp's Writt of Dedimus Potestatem administred the Oaths appointed instead of the Oaths of Allegiance & Supremecy & the Oath of Abjuration which they Subscribed, as likewise the Declaration commonly called the Test.

And then was read and Published his Lordship's Writt of Prorogation before the Members of the Upper and Lower Houses now Present in the Tenour following Viz.

Charles Absolute Lord and Proprietarie of the Provinces of Maryland and Avalon Lord Baron of Baltemore. To the

C. P. Members of Our Privy Council and House of Delegates for this Our Province of Maryland Greeting.

Whereas Our certain Writts of Election Issued directed and sent into the severall Sherriffs of Our s^d^ Province bearing Date the Sixteenth day of February last past thereby empowering them to call together Three or more Comissioners of the respective Countys one whereof to be of the Quorum, with their Clerk, to sit as a Court, and during their Sitting, by virtue of their Office, to make or cause to be made Publick Proclamation, thereby giving Notice to all the Free Men of their said Countys, authorized by Law, to Appear at a certain day and Place to be appointed for the Electing and choosing four Delegates or Representatives for each of their Countys, and to the Mayor Recorder and Alderman of the City of Annapolis to choose two for the City to Serve at a Genr^ll^ Assembly to be held at the City of Annapolis the twenty third day of April Instant as by recourse to Our s^d^ Writts being had, may more fully and at large Appear. But for certain Causes & Considerations us thereunto especially moving We do think fit to defer Put off and Prorogue the sitting of the said Assembly untill the twenty fourth day of this Instant April and the same is hereby Prorogued Accordingly, Whereof You and every of You are to take due Notice, and no wayes to faile meeting at this Place on the said twenty fourth day of April afores^d^ Given under Our Broad Seale of Our said Province this twenty first day of Aprill 1716 in the first Year of Our Dominion over the s^d^ Province of Maryland Witness Our Trusty and well beloved John Hart Esqr Our Capt Genr^ll^ and Govrn^r^ in cheif of Our s^d^ Province of Maryland & the Territories thereto belonging.

At the Council in Assembly held in the Council Chamber in the City of Annapolis the 24th day of Aprill in the first Year of his Lordship's Dominion &c^a^ Annoq Dni 1716

Present

His Excellency John Hart Esqr Capt Gen^ll^ and Govern^r^ in cheif

The Honb^le^	Thomas Brook Esqr	Philemon Lloyd Esqr
	Col Wm Coursey	Lt Col R^d^ Tilghman
	Lt Col. Sam^ll^ Young	&
	Col Thos Addison	Col Thos Smith

The Gentlemen of his Lords^ps^ Council viz. the Honb^le^ Thomas Brooke Esqr Col Thomas Addison and Lt Col Richard Tilghman certified his Excellency that Pursuant to the

Writt of Dedimus Potestatem to th^{m} directed they had Administred the Oaths appointed instead of the Oaths of Allegiance and Supremacy and the Oath of Abjuration to one and fourty of the Members of the lower House, which last Oath the s^{d} Members Subscribed and also the Declaration comonly called the Test C. P.

Mr Tyler, Colonel Ward, Col Mackall, and Mr Hill came and acquainted his Excellency the Governour, that there were a sufficient Number of their Members met to make up their House Whereupon His Excellency sent the Honb^{le} Thomas Brooke Esqr and Colonel William Coursey to require their Attendance in the Council Chamber: Whereupon about fourty of the Members of the lower House came and attended his Excellency in Council, whome his Excellency directed to repair to their House and choose their Speaker: In order whereto they withdrew and repaired to their House

And Colonel Hoskins and Mr Codd came and acquainted his Excellency that the House had chosen their Speaker.

His Excellency immediately sent the Honb^{le} Lt Colonel Samuel Young & Col Thomas Addison to require them to present him for his Approbation

Whereupon the Members of the lower House came and Presented the Honb^{le} Colonell Matthew Tilghman Ward as their Speaker who endeavoured to disable himselfe but was notwithstanding well approved of by his Excell^{cy} who expressed himselfe extreamly satisfyed, as beleiving it was the unanimous Choice of the House.

Then the s^{d} Col Ward pray'd his Excellency that their Priveleiges might be preserved and he have Access to his Person on all urgent Occasions.

Which his Excell^{cy} was pleased to grant And then bespake them after this manner

Gentlemen of the Upper
and lower House of Assembly }

His most sacred Majesty King George (whome God Can preserve) has been most graciously pleased, out of his Abundant Wisdom and Justice, to restore the Rt Honb^{le} the Lord Proprietarie of this Province, to the Governm^{t} thereof; and also has the Clemency & Bounty to Approve of me in this Nation, I now have the honour to be employd, as appears by his Majesty's Royal Instructions under the Signe Manual, and Privy Seal Given at St James the 1st of July 1715 His Majesty, who is the true Defender of the Faith, was readily induced to reinstate the noble Family of Baltemore in their ancient Right of Governing this Province, from the Consid-

C. P. eration of their having embraced the Protestant Religion which has not onely removed th^{t} Umbrage has been long wisely conceived ag^{t} their Administration here, for reasons of State.

But I am in strong Hopes this better Change of Principles will prove a continued Happiness to You.

It is with great pleasure that I am ordered to Assure You from my Lord Guilford, the noble Guardian of the Young Lord Proprietarie, that his Lordship will make it his constant Care to promote the Welfare of this Province, and I can further assure You from the Personal Knowledge I have of the gentle and sweet disposition of the Lord Proprietarie, that there is a promising aspect his Lordship will prove a growing Blessing to Maryland

As to my Part, when I was honoured with a more immediate Commission under the Crowne I made it my careful Study to p^{r}serve and improve the true Interest of this Province both before and since my Arrival here, & whilst I am so happy to remain in this Station shall faithfully continue to Pursue that good End; and do Solemnly Promise You that I will Act in my Sphere (so far as my Power extends) impartially between the Lord Proprietary and this People, And as it is not expected (and far from my Inclination) on his Lordship's Part) that I should pay my Court to him at y^{r} Expence, so on the other side, for gaining of Popular Applause, or any other motive whatever, will I betray that great Trust of Government reposed in me And so long as I make the Laws my Rule and Guide to Govern, and my Conscience the Judge of Equity, the Publick Good will be rightly maintained, & The Publick both by their Duty and Interest will support me in my Authority.

Gentlemen of the Lower House

You will readily observe the necessity of having the Laws run in the Stile of the Lord Proprietarie, as they formerly did, when this Government was Administred by his noble Ancestors. The manner and Method of doing this by the most easy and effectuall means is recommended to Your Consideration—allways wth regard to make the Charge as light as possible to the People, for I am so sencible of the Burthen of long and frequent Assemblys that I am willing to ease them for my Part of the Charge of the Seals on this occasion

The Experience I have gained since I have resided Among you, has learnt me how difficult, nay almost impossible it is for you to Comply with Your Rents, in mony Sterl, according to the Ten^{r} of Your Grants, from the Lord Proprietarie

From the sence of these hardships You were likey to Labour under, I have in order to Y^r Releif, laid the Case before his Lordship's Guardian & himself. C. P.

Their Lordships, out of their tender Considerations of Your Circumstances, have Instructed me to pass an Act, which I may well terme in Your Favour, it being for the whole Rents, a Condescention I have never heard was made You before this tyme. The method which their Lordships have Prescribed me in this Affair being too Copious to be mentioned here, I shall send downe to Y^r House, for your Perusall.

I am not ignorant it is the Interest of some particular wealthy Gentlemen, to pay their Rents in mony. The Lord Proprietarie wou'd be well pleased this Interest was genr^ll in the Province; But as it is by much the greater Number, and Consequently those that are the least able to bear this Burthen, that will reap the Benefitt of the Lord Proprietaries favour and Generosity. I hope it will be Considered th^t a Particular ought allways to give way to the Publick good. It is therefore of these Wealthy Gentlemen I must Address myself to. Pray remember the Poor.

Mr Speaker & the Members of the Lower House took their Leave & repaired thereto. Mr Stoddert and Capt Frisby came from the Lower House and presented Thomas Macnemara Esqr to be Sworne as their Clerk. And the said Macnemara took the Oaths to the Governm^t subscribing the Test and Abjuration, and also the Oathe of Clerk of the Lower House in Presence of the said Members thereof.

Colonel Tilghman and Col Smith were sent to the Lower House with a Copy of the Clause of the Law proposed.

Colonel Hopkins Mr Stoddert & Lt Col Scott brought up the following Message Viz.

By the lower House of Assembly Aprill 24th 1716.

May it Please Y^r Excellency.

As the Information this House has received from Sundry Prints and otherwise th^t the Right Honb^le the Lord Proprietarie of this Province departed this life sometime last February has given us Cause of great Greif so it very much Deters us from further Proceeding on any Business least we should Spend Our time, and the Country's mony to little purpose which must be; if that Acc^t should Prove True, as we very much fear it will: And for that we are informed some Progress is made in the Parliament of Great Britain for Enabling the Crowne to reassume all the Proprietary Governments in America. We therefore humbly Pray Your Excel-

C. P. lency to Prorogue this Assembly to some Convenient time in which the Truth of the said Informations may be knowne

Signed p order
Tho. Macnemara Cl. lower Ho.

Which being read and Debated the following answer was sent thereto by Mr Lloyd and Col Tilghman. Viz.

By his Excellcy & the Upper House of Assembly
April 24th 1716.

Upon reading Your written Message by Col Hoskins and others, his Excellency the Governr is pleased to declare that he has not received any judicial Notice of the Death of the Rt Honble the Lord Proprietary, nor from his Lordship's Guardian, of wt Stepps the Present Session of Parliamt in Great Britain have made towards his most Sacred Majesty's Reasuming the Proprietarie Govmts in America; But Since it is the Request of Yr House tht the Assembly shou'd be prorogued to some further Time; therefore to prevent any Inconveniency which may arise from the Uncertainty that You seem to be in, upon the above Reports, and to frustrate the good Intention of the meeting of this Assembly and put the Country to an Unnecessary Charge His Excellency wth the Advice of the Council will prorogue this Genrll Assembly to a further Proper tyme.

Signed p Order
W Bladen Cl Upper Ho.

Col Mackall presented Mr Thomas Robinson Delegate for Talbot County who was Sworne in his Presence.

Advised that his Excellency will be pleased to prorogue the Assembly to Tuesday the 17th of July next.

And the Honble Col Coursey & Col Addison were sent to require Mr Speaker and the Members of the Lower House, forthwith, to Attend his Excellency in Council.

Whereupon Mr Speaker and the Members of the lower House immediately came and Attended his Excellency in Council, who on the Behalfe of the Rt Honble Charles Lord Baron of Baltemore Absolute Lord & Proprietor of this Province, and by and wth the Advice of his Lordship's Honble Council, Prorogued this Genrll Assembly untill tuesday the seaventeenth of July next ensuing and required them to take Notice they were accordingly so Prorogued

W Bladen, Clk of the Upper House.

Councill Proceedings On the Eleventh day of January Anno Domini, 1716. C. P.

Maryland ss.

Att a Councill held at the City of Annapolis in the Province of Maryland on the Eleventh day of January in the third year of the reign of our Sovn Lord King George And in the second of his Lordships the Right honb^le^ the Lord Prop^rys^ Dominion &c. Annoq Dom 1716.

Present

His Excellency John Hart Esqr Govr in Chief &c.

The Honble	Col. Wm Coursey Lt Col. Sam. Young John Hall Esqr	Philemon Lloyd Esqr Col^o^ Ric^d^ Tilghman & Col^o^ Thos. Smyth

John Beard of the City of Annapolis Produces to this board a Comission from his Excellency the Govr Comissionateing him to be Clerk to his Lordships Councill within this Province, which is as follows.

Maryland ss.

Charles Absolute Lord and Prop^ry^ of the Provinces of Maryland and Avalon Lord Baron of Baltemore &c. To Our Trusty & wellbeloved John Beard of the City of Annapolis in our Province of Maryland Greeting.

Forasmuch as We do repose Speciall Trust and Confidence in your Integrity fidelity skill & Cunning in Clerkship We have thought fitt and do by these p^r^sents give and grant unto you the said John Beard the Office of Clerk to our Governour & Councill of Maryland hereby Appointing Authorizeing and Impowering You to have hold Exercise & Enjoy the said Office And to take & receive to your own proper use & behoof as well the Sallary usually allowed as also all and Singular other the rights Profitts benefitts and Advantages thereto belonging or in any ways Appertaining in as Ample manner as any of the Clerks to our said Governour and Councill of Maryland have used To have hold exercise receive and enjoy the same, for and dureing our good will & pleasure Wittnesse Our Trusty and welbeloved John Hart Esqr Our Capt Generall and Governour in Chief of our said Province and Territory of Maryland this 12th day of October in the first year of our Dominion &c Annoq Dni 1716.

Jo { The great Seale of Maryland } Hart

C. P. Thereupon the said John Beard takes the Severall Oaths Appointed to be taken by the Act of Assembly of this Province, And Also An Oath for his due Execution of the aſd Office.

His Excellency Acquaints the Councill the Comission Obtained by Mr Carroll Especially that for the Navall Officer (he being a Papist) had given very great Offence to the Country as they very well know

Wherefore to Satisfy the minds of the People he thought fitt to let them know after what manner Mr Carroll had obtained those Comissions And Comunicated to the board a letter from the Right honble the Lord Guilford to him dated the Eleventh day of October 1716

Wherein his Lordship is pleased to say that the Governour's kind recomendation of Mr Carroll was one Principall motive that induced the Ldships to imploy him at all. And further Acquainted him that Mr Low affirmed to his Lordship, and Mr Carrolls Comission had been drawn and (as he remembers) ingrosed the said Mr Carroll told him two or three days before his departure that now his Lordship was restored to his Government he must have the words Navall Officer put into his Comission because his Lordship had now a right to name him, whereupon he told his Lordship what Mr Carroll had sayd not at all Imagining the Governours Authority woud be lessened or Mr Carrolls Profitt raised thereby And thereupon the words Navall Officer were inserted and his Comission Sealed.

Whereupon his Lordship Observes to his Excellency that the words Naval Officer were inserted thro' Surprize

As to the Incapacity of Papists Serving in Publick Imployments his Lordship (declares he) pays the utmost deference to the Law And by his said Letter Authorizes his said Excellency to Appoint Navall Officers & Says he will do every thing that shall be thought necessary to superseed that part of Mr Carrolls Comission.

Mr Lowe in the next Paragraph of his letter Observes to his Lordship that he was intirely unacquainted with the nature of the Offices of Surveyors & Navall Officers and the manner of Conveying them And if there has been any error made either in the disposall of the surveyors or Navall Officers places the Govern^r must Attribute it to his friend Mr Carroll.

Then his Lordship the Lord Guilford Observes that as to the Surveyors he shall Authorize his Excellcy to Appoint the Severall Surveyors in the Counties dureing pleasure And in the mean time he Comands his Excellency the Governour to hear all disputes and Complaints that shall be made to the Surveyor Generall.

In the last Paragraph of his Lordships said Lre in answer C. P.
to One of his Excellency's he says he has told him before in the same Letter his Opinion of Papists and the law, And that he flatters himself by his Management all grievances will be redressed and that he will Continue Cheerfull in his Imployment

Whereupon his Excellency declares to the Councill that he takes himself to be very much honoured by this Paragraph of his Lordships Letter and is Intirely Satisfyed his Lordship had no intention to promote any Papist but that what Mr Carroll had obtained was purely by Surprize as his Lordship is Pleased to Observe.

His Excellency says he has not yet acquainted Mr Carroll with what Comands he has received from his Lordship but believes now the Councill is sitting it may be a proper time Mr Carroll may be sent for and acquainted with what his Excy has Comunicated to the board And which may be more Satisfactory to be now done in regard the method Mr Carroll had used to gain those Comissions from their Lordships by Surprize had generally given great Dissatisfaction to the Country.

And the Question being put whether Mr Carroll shall be sent for or not, Resolved and Ordered that he be sent for Imediately to appear at this board, which was accordingly done

And the said Mr Carroll Appearing at this board was made Acquainted of his Lordships Intentions and of the minutes of this days Proceedings relating thereto, to which he says he shall readily Submitt

Mr Carroll having given his Excellency from under his hand that he woud not Pass any Patents but where he shou'd receive half the fees for the Seale

Is Told by his Excellency that his refuseing to Pass Patents with him gives great Obstruction to his Lordships land Office and to the People Concerned therein. And that rather than the Country shall suffer he is willing to let the fees lye uncollected till their Lordships shall decide the dispute. Mr Carroll says he had always a Moiety of the fees for the Seales of Patents allowed him by the Kings Governours And that he has Instructions to finish all business which was depending in his Office before his last Arrivall upon the same terms as he formerly used And that those things will not be finisht in Seven Years

In Answer to which his Excellency was pleased to tell him that as he is the keeper of his Lordships great seale he has a right to the whole fees And that as to Mr Carrolls pretence of right to half the fees allowed him by the Kings Govern-

C. P. ours the Case is now quite different for that then he the said Mr Carroll was keeper of his said Lordships Seale, now that pretence being removed, Desires Mr Carroll will mark those Patents for which he had Instructions to ꝑfect and let them be sealed And that the Tobacco may lye uncollected till their Lordships shall make a discition herein

Advised and Resolved that a Proclamation Issue notifying that his Excellency will Appoint Navall Officers within this Province and Surveyors within the Severall Counties And that Psons qualifyed for those Offices may Apply unto him And that all Complaints and other matters usually heard before the Surveyors Generall must be brought before his Excellency he being the ꝑson appointed to hear them as follows

Maryland ss

By his Excellcy the Capt Generall &c^a

A Proclamation

Whereas the right hon^ble the Lord Proprys land Affairs in this Province for some months past have been impeded for want of proper Officers duly qualifyed in the respective Counties to survey lands, To remove that Obstruction and settle those Affaires in their regular & Proper Course I have thought fitt by and with the Advice of his Lordships hon^ble Councill to Issue this my Proclamation notifying to all and Singular the Inhabitants of this Province as well as others desirous to take up lands that the Right hon^ble Francis Lord Guilford his Lordship the Lord Prop^rys Guardian has Authorized and Impowered me to Act as Surveyor Generall of this Province to nominate & Comissionate the respective Surveyors in the Severall Counties as likewise to hear and decide all disputes Controversies and other matters Complained of and properly Cognizable before his Lordships Surveyor Generall, Wherefore I do hereby direct that such ꝑsons who are qualifyed to Execute the Offices of his Lordships Surveyors in the Severall Counties make their proper Application to me before the first day of March next in Order to their being by me Comissioned thereto.

And that all ꝑsons who have anything to Offer to his Lordships Surveyor Generall relateing to his Ldships land Affaires fail not to present them before me at Annap° where they shall be readily heard, And to the end that all ꝑsons may have due notice hereof and none pretend Ignorance I do hereby in his Lordships the Lord Prop^ry's name Comand and require the respective Sherriffs of the Severall Counties in this Province to Publish this my Proclamation at all

Churches & Chappells of Ease and others the most fre- C. P.
quented places in their said Counties whereof they are not to fail at their Perills.

Given at the City of Annapolis under the broad Seal of the Province the Eleventh day of January in the Second year of his Lordships Dominion &c^a^ Annoq Dmi 1716

God Save the King.

Was Read at the board a letter to his Excellency from the Right hon^ble^ Paul Methuen Esqr One of his Maj^ty's^ Principall Secretarys of State dated at White hall the 16th day of August 1716 Incloseing a list of the names of the Rebbell Prisoners who have been Ordered to be transported to Maryland Signifying his Royall highnesses pleasure that his Excellency do with all Convenient Speed return an Exact list of the Rebbell Prisoners that have been landed in this Province that the same may be laid before his Royall highness

Whereupon Ordered that Notice be given Mr Lewis factor on board the ship friendship whereof Capt Mankin is Comander to come and record in the Secretarys Office of this Province the list of the Prisoners by him transported in Order to enable his Ex^cy^ to render an Account as Required.

Mr Richd Done factor for Mr Richd Guildard & Company Merch^ts^ in Leverpoole having presented to his Excellency a list of the names of fifty five of the Rebbells Transported in the Ship the Good Speed Arthur Smith, Master, And the same being read at the board 'tis observ'd he makes return that James Renton is unsold and that Humphry Sword and James Sumerville had agreed with their Owners not to be sold who had given such Orders, That John Shafloe was deced at Potomack River and that Alexander Macgiffin was runaway (who as his Ex^cy^ is advised is gone towards New York but no Application ever made to his Ex^cy^ for a hue & Cry) That as to Humphry Sword & James Sumerville his Excellency Acquainted the factor he did not think it a Convenient power of his Owners to sett them at liberty but that they must either be sold according to his Maj^ty's^ Pleasure Signifyed by the Right hon^ble^ Mr Stanhope or give Security for their Continueing in this Province and being of good behaviour for the Space of Seven years

The said Mr Done also Delivered to his Ex^cy^ the following protest being taken from One of the Rebbells on board the af^d^ Ship Called the Good Speed signed by Jno Chalmers One of the said Rebbells Viz.

Whereas by An Act of Parliam^t^ made Tricessimo Primo Caroli Secundi It is Enacted that no Subject of this Realm shall be sent Prisoner to any part beyond the Seas within or

C. P. without the Kings Dominions every such Imprisonment being thereby declared to be illegall And that if any such Subject shall be so Imprisoned he or she may maintain by Vertue of that Act An Action or Actions of false Imprisonment in any Court of record against the ꝑson or ꝑsons by whom he or she shall be Committed detained Imprison'd sent Prisoners or Transported And against all or any ꝑson or ꝑsons that shall Contrive frame write Seal Sign or Countersign any warrant or writeing for such Comittm[t] detain Imprisonment or Transportation or shall be adviseing aiding or Assisting in the same or any of them and that the Plaintiffe in every such Action shall recover Triple Costs besides damages And that the damages shall not be less than five hundred pounds Sterling and that the person or ꝑsons who shall knowingly frame Contrive write Seal or Countersign any warrant or such Comittm[t] detainer or Transportation or shall Comitt detain Imprison or Transport any ꝑson or ꝑsons Contrary to that Act or be any ways adviseing aiding or Assisting therein being lawfully Convicted thereof shall be disabled thence forth to bear any Office of Trust or ꝑfitt within the Kings Dominions and incurr the Penalties of the Statute of Premunire made in the second year of King Richard the Second and be incapable of any Pardon from the King for the said forfeiture losses or disabilities Excepting such as shall by Contract agree with any Merchant or Owner of a plantation or other Psons to be transported ad receive Earnest on such Agreem[t] And such as shall be lawfully Convicted of felony and shall in Open Court pray to be transported and we whose names are subscribed being Imprisoned in upon Suspicion of high Treason and in the Custody of the high Sherriffe of And his under Sherr M[r] and we being Informed that high Sherriffe under Sherriffe Cap[t] James Butler together with S[r] Thomas Johnson Rich[d] Guildart Rich[d] Kelsoe Henry & Rich[d] Trafford Merch[ts] Severall Masters of Ships and other ꝑsons unknown to us have Taken or to Transport us Virginia or some other Part beyond the Seas and there to keep us in Prison or sell & dispose of us as Servants or otherwise at their wills & pleasures, Now we do declare and give notice to you and all other ꝑsons that we do not Consent or agree to our or any of our being Transported as af[d] or in any other manner by the Psons above named or any them or by any other Pson or Psons to any part or parts beyond the Seas whatsoever and we do hereby Protest ag[t] the same Unless that a Sufficient & legall Warrant Order or Comission be Produced and Exhibited to us to transport us in manner af[d] And in Case any Orders warrant or Commission pretended Sufficient be produced and Exhibited to us by the afore-

named Psons or others we declare & Protest that we are not C. P.
willing to be transported in manner af^d Unless the same be really & truly legall & Sufficient and wheresoever the said Commission or Ord^r shall be found insufficient to the Effect af^d in any action or actions that may hereafter be maintaind ag^t the said Prisoners & others for such their Illegal transportation of us We do protest that then & in th^t Case may be lookt upon in Construction of Law as unwilling and forceable transported and we do Protest further that we in no ways receed from our Petition formerly sent by us to his Majesty praying Transportation and lastly we do Protest that the Agreem^t or bargain made by us with the af^d Psons or any of them or others for our good usage in our Transportation and for our liberty at end of our voyage shall not debarr us from maintaining an Action or Actions ag^t all or any the aforenamed psons and others for their illegal transporting of us and such others as adhere to this our Protestation and we Protest in manner af^d that any such bargain made was only for preventing the severities we justly apprehended might be Exercis'd on us on Ship board dureing our voyage and for preventing Imprisonm^t & Confinem^t in those parts to which we are to be transported both which were threatned by the aforenamed Psons & Contraveeners of the said Act in Case of our refusall to make Agreem^t with them for Civill Usage and liberty at the end of our Voyage

John Chalmers.

Resolved and Ordered that a proclamation Issue declaring whosever setts free any of the af^d Rebbells transported into this Province shall give security for their abideing within this Province and be of good behaviour for the Term of Seaven years as follows.

Maryland ss.

By his Excellency the Capt Gen^ll &c.

A Proclamation

Whereas there has been transported into this Province by his Maj^tys Royall Comand fifty five psons most of them Scott men taken in the late rebellion at Preston & imported in the Ship the Good Speed of Liverpool whereof Arthur Smith is Comander concerning whom his Maj^ty has been graciously pleased to Signify to me by letter from the right honb^le James Stanhope Esqr One of his Principall Secretarys of State dated at Whitehall the fourth day of May last that it was his royall pleasure that the rebbells so taken & Imported as af^d should either enter into Indentures to serve such

C. P. psons as wou'd Purchase them for the term of Seven years or otherwise that on the sale of such who shou'd refuse so to do I shoud grant to the respective purchasers or Masters under my hand and Seale a proper Certificate that it was his Majesty's Pleasure the said Rebbells so transported into this Province shoud be sold by the factor of Messrs Richard Guildard & Company to serve the term af^d And forasmuch as fifty of them have been sold to the Sev^rall Purchasers as by the list hereunder written is Expressed And that John Shafloe is dead and Humphry Sword & Alexander Macgiffin have Exempted themselves; To the end that his Maj^tys pleasure may be duly Comply'd wth in this Province And that the said runaway rebbells be retaken & Subjected to his Maj^tys Comands by proper Certificates by me to be granted therefore and that the Traiterous & wicked Attempts & designations of the said Rebbells may be intirely obviated & their psons secured within this Province dureing the term af^d I have thought fitt by and with the Advice of his Lordships the Lord Prop^ry^s Councill to Issue this my proclamation notifying the same and Comanding & requiring all Officers Military & Civill and Especially all Sherriffs Magistrates & Constables to use their utmost endeavours upon notice or knowledge of any the said rebbells absenting themselves from their said Masters or Purchasers to apprehend & secure their Psons and Oblige them to Continue in their bounden Service according to his Majestys Royall direction and particularly to apprehend the af^d Humphry Sword & Alex^r MacGiffin and bring them before me to be dealt with according to Justice and their demerritts And further I do hereby will & require all Officers Magistrates Sherriffs & Constables and others his Majesty's good Subjects w^thin this Province in Case of any the said rebbells being sett free by their respective Masters or Purchasers Imediately to Apprehend and bring them before the next Magistrate who is hereby required to Oblige them to give good Security not to depart but remain in this Province during the term of Seven years from their Arrivall in this Province and also to be of good Abearance towards his Majesty and his Lordships Governm^t in this Province or otherwise Comitt them to the County Goal there to remain till such further legall Proceedings may be had against them as their demerritts shall require And to the end that all psons may have due notice hereof and none pretend Ignorance I do hereby in his Lordships the Lord Prop^ry's name Comand and require the respective Sherriffs of the Severall Counties in this Province to Publish this my proclamation at all Churches & Chappells of ease and others the most frequented places in their said Counties whereof they are not

to fail at their ꝑpills Given at the City of Annapolis under C. P.
the broad Seale of the Province this 11th day of January in the Second year of his Lordships Dominion &c. Annoq Dni 1716

God Save the King.

His Excellency Informes this board that Severall Masters of Ships Complain that the fees charged them by the Deputy Collector of the Port of Annapolis for Clearing their Vessells were unreasonable

Thereupon Ordered that some of the Masters who are now in town be sent for to inform this board what fees they have usually paid on the Clearing their Ships

Which being accordingly done appears Capt George Westgirth who being asked what he generally paid on Clearing his Ship to the Collector for the Port of Annapolis, Answers, that for Examining fifteen Cocquetts & other fees the last year he paid three pounds Currt mony

Also Capt Hugh Arbuthnott appears & is asked what he usually paid on Clearing his Vessell, Answers, he always paid Twenty pence ꝑ Cocquett to the Collector

Also Capt Daniel Mand Appears & is asked what he usually paid, Answers he always paid Twenty pence ꝑ Cocquett to the Collector, but the last year he being demanded by Mr Evan Jones deputy Collector to pay his Account of fees of five pounds Currt mony, which he denyed, finding fault wth the Extravigant Charges therein, the said Jones accepted of three pounds ten shillings Currt mony in full for that Voyage.

Mr Evan Jones Deputy Collector for the Port of Annapolis being Called before this board to Answer the premises is asked by his Excellcy by what law or rule he Charges and Exacts his Severall fees Especially that of Twenty pence ꝑ Cocquett, Answers he Charges them by Custome being what have been usually Charged by former Collectrs

Resolved by this board that the fee of Twenty pence ꝑ Cocquett is unreasonable

And for that the said Evan Jones (on Examination) has not a Table of his fees hanging up in his Office as the law Directs, His Excellency is pleased to say he will write to the Comissioners of his Majestys Customes at home Concerning it.

Resolved and Ordered a Proclamation Issue to Prorogue the Generall Assembly of this Province untill the first day of May next at which time they are required to Convene themselves at the City of Annapolis, as follows,

C. P. Maryland ss

By his Ex^{cy} the Capt Generall &c^{a}

A Proclamation

Whereas the Generall Assembly of this Province now stands Prorogued untill the Twentyeth day of January Instant, But for that no Extraordinary urgent affaires require the meeting thereof at that time, I have therefore thought fitt by and with the Advice of his Lordships the Right hon^{ble} the Lord Prop^{rys} Councill of State within this Province further to prorogue the said Generall Assembly untill the first day of May next ensueing at which time they are hereby required to Convene themselves at the City of Annapolis in order to Consult & debate such things as shall then Offer to them for the Interest & Service of his Lordship and this his Province Given at the City of Annapolis this 11th day of January in the Second year of his Lordships Dominion &c. Annoq Dni 1716. God Save the King

Journals of Councill 1719

Maryland ss

Att a Councill held in the Councill Chamber in the City of Annapolis on the Tenth day of September in the Sixth Year of the Reign of our Sovn Lord King George, And in the fourth of the Dominion of the Right Hon^{r}ble the Lord Proprietary of this Province &c. Annoq Dni 1719.

Present

His Excellency John Hart Esq. Governour

The Hon^{r}ble.

Thomas Brook Esqr	Phile: Lloyd Esqr
Col^{o} Saml Young	Col^{o} Richd Tilghman
John Hall Esqr	&
Col^{o} Thos Addison	Henry Lowe Esqr

Members of his Lordships Hon^{r}b^{le} Councill.

His Excellency Delivers to the Hon^{r}ble Thos Brook Esqr a Letter Directed for him, which his Excellency says was Inclosed to him from their Lordships. And Asks the said Brook if he has not Already received a Letter from their Lordships.

To which the said Brook Answers, he has.

His Excellency is pleased to Observe to this Hon^{r}ble Board that he has received a Letter from their Lordships of 23^{d} of March 1718, And lays it before them as follows.

[This Letter is Entered at Large in the Councill Proceedings.]

Whereon his Excellency is Pleased to Observe That the C. P.
Reason of his Desiring such a Call (besides his sickness) was, from the many uneasinesses he Received from time to time from the Popish Faction And their Adherents here and Elsewhere.

His Excellency is pleased further to Acquaint this Board, that he has his Majestys Royall Lycence for his Absence from the Government of this Province for the Space of Twelve Months, which he lays before them as follows.

[This is Entered at Large in the Councill Proceedings]

Whereupon his Excellency Declares himself, very much Honoured, in having the Leave thereby given for which he is Humbly & Heartily Thankfull to his Majesty.

His Excellency is Pleased to lay before this Board, their Lordships Certificate of Lycence to him to be Absent from the Governm^t of this Province for Twelve Months under their hands & Seales, as foll^s

[This is Entered at Large in the Councill Proceedings]

His Excellency further lays before this Board their Lordships Instructions to him, which he Received with the Lycence & Letters aforegoing Viz.

Orders and Instructions to be Observed & Pursued by John Hart Esqr our Lieuten^t Governour &^c of the Province of Maryland: And in his Absence by the first person in our Councill for the time being

Given by us at London this 23^d day of March Anno Dni 1718.

1: With these Instructions you will receive our Lycence allowing you the said John Hart to come into England for Twelve Months and appointing the Person first named of our Councill dureing Your Absence, or on your Death, to take upon him the Administration of the Government, His Majesty's Permission thereof having been first Obtained in Councill March 19th 1718, which with our Lycence and these our Instructions, You shall make known & Publish to the Members of our Councill Solemnly Called together.

2: You shall before you leave the Province which you are to do if Possible sometime within the Space of three Months after the Receipt hereof Appoint Edward Lloyd Esqr the second person named of our Councill Keeper of the Great Seale of the Province giving him a Comission for holding and Executeing the said Office with all the Emoluments thereunto belonging Dureing our Pleasure: And in Case of his Death or Absence out of the Province, or upon his Refusall

C. P. to Accept the Same; then You Shall Appoint the third person of our Councill Actually Resideing within the Province to Execute the said Office as af^d^ And upon his Absence or Refusall, the Senior of our Councill for the time being.

3: Whereas by Act of Assembly made in the 2^d^ Year of our Dominion, Intituled An Act Ascertaining the Gauge & Tare of Tobb^o^ hh^ds^ &c^a^ there is to be raised to the Lord Proprietarie for the Support of Governm^t^ fifteen pence ꝑ hogshead for Every hh^d^ Exported &c. whereof 12 pence ꝑ hh^d^ is to be Applyed towards the maintaining the Station & Dignity of his Lordships Lieutenant Governour Actually Inhabiting & Resideing within the Province, and such other uses as his Lordship shou'd Judge Proper; And in Case of the Death or Removall of such Lieutenant Governour from his Government, the One half of the said 12 pence applyed to the Support of Government as af^d^ that shall arise in such Vacancy shall be Applyed to the Maintainance and Support of such Person of his Lordships Councill as his Lordship by his Instructions to his Leiutenant Governour or otherwise shall Appoint to Preside, And to such other uses as his Lordship thinks meet, And the other half of the said Twelve pence towards the building a House for his Lordships Lieutenant Governour to live in, as by the said Act is at Large sett forth; Our Will now is that Dureing the Absence of the said John Hart our Lieutenant Governour the said 12 Pence ariseing as af^d^ for the Support of our Government shall be Applyed in the same Manner and to the same uses as by the said Act is Provided in Case of the Death or Actuall Removall of our Lieutenant Governour.

4: And Whereas by Act of Assembly three pence per hogshead is given you the said John Hart so long as you shall Continue Governour In and Over the said Province and no longer, You may if you are Desirous thereof, Endeavour to prevail with the Assembly to Continue the said Duty of three Pence ꝑ per hogshead to be Applyed to your own Use, dureing your Absence out of the Province, Untill Such time as we shall think fitt to Superseed your Comission. Provided you bring such Act so made, Over with you for our Assent or Dissent thereto, If it Can be Conveniently Enacted before Your Departure.

5: You shall Recomend to the Assembly that we think it Convenient and Necessary that the Duty of three Pence ꝑ Tonn upon the Burthen of Ships and Vessells Tradeing into the Province, which by Act of Assembly has been usually paid unto the Governour for the Time being, be Continued & Applyed to the better Support and Dignity of such person of our Councill, who is Entrusted with the Administration of the

Government dureing the Absence, or on the Death or Re- C. P.
movall of our Lieutenant Governour for the time being.

6. You shall either by Proclamation or otherwise Prorogue the Assembly to some day in the month of Aprill which shall be in the Year of our Lord One thousand Seven hundred & Twenty.

7: And Lastly we Strictly Comand & Require you the said John Hart And all other our Officers and Ministers within our s^d^ Province of Maryland to be Assisting to his Maj^tys^ Officers of the Customes, as by Law you are Required to do, And not in the least to Obstruct his Maj^tys^ Service under the Managem^t^ of the Comissioners of the Customs as by their Letter a Copy whereof we have herewith sent is Complain'd of.

Baltemore
Guilford

To the first Instruction.

His Excellency Observes to this Board that he has Comply'd therewith.

To the 2^d^

His Excellency Observes that his Maj^ty^ of his Great Bounty, and out of his Compassion Agreeable to his Princely nature (which his Excellency Acknowledges with all Duty and Humility) In Regard to his Excellency's Health (Notwithstanding he presumes his Majesty is not altogether unacquainted of other Reasons for his Desireing to Return to Great Britain) has Permitted him to be Absent for the Space of Twelve Months from this Governm^t^ without Limitting him to any time to depart in.

And that their Lordships Lycence does not Oblige him to any. But that their Lordships by this Instruction Tyes him up to Depart in three months if possible. Which he Declares he Cannot Possibly Comply with for these Reasons.

First.

That notwithstanding their Instructions are dated 23^d^ of March 1718 They did not Come to his hands till the 26th of August 1719. And then Delivered by the hands of Capt Greenwood.

Secondly.

That there being many Pyrates on the Coast, And a Warr Declared with Spain, And the Spaniards Appearing within the Capes of Virginia, And the man of Warr Departed which Convoyed the Merchants Shipps from this Province, and the Colony of Virginia,

It is not Safe for him to Depart in a Single Ship most of the Ships being Departed from this Province. And there not being one left fitt to give him a Reception.

C. P. Thirdly.

That the three months Expire the 26th of November, when (if with Convoy) it would not be Safe for him to Venture upon a Winter Voyage, with such ruined Constitutions as he has the Charge of, and Care for; The Violent Sickness in the Countrey being very great, of which his Family has had a large share, and not yet Recovered.

To which his Excellency Adds, that he shall most Gladly make use of his Majestys Most Gracious Leave to Return for England, so soon as he Can Safely and Conveniently do it.

For that he shall Quitt the Station wth Joy, in which he has Received such Barbarous Treatments of all Sorts, from the Time he Opposed the Comissions granted in an Extraordinary Manner to Papists, in the Time of the late Rebellion in Great Britain, which he takes to be the source and Cause of all his Enemies Malice to him.

For on his Arrivall in this Province, (to which he Came Honoured, by Patent under the Great Seale of Great Britain to be Governour and Comander in Chief) he found Maryland was Governed by the Laws of Great Britain, and those of this Country In which he lived in Great Peace & Tranquility. Dureing the Force of that Comission That he has made it his Constant Care to Maintain those Laws, and to Support the Liberty and Property of the People of this Province; And this, On his Arrivall in England, he shall be Ready to Maintain Against his most Inveterate Adversaries.

That as to the latter Part of the Instruction Relateing to Delivering up the Seale, he shall Readily Comply with it at his Departure.

To the third Instruction.

His Excellency Desires the Opinion of this Board, whether they look upon it, he is to have any Support by the Law of this Province which Provides for the Support of Government, Dureing his Absence.

Whereupon It is the Unanimous Opinion of this Honble Board. That there is no Provision made by that Law for his Excellencys Support dureing his Absence.

Upon which his Excellency is Pleased to Observe that (If so) he has no benefitt from the Intention of that Law from the Time of his Departure, by which Instruction he is humbly of Opinion That his Majestys Grace & Favour Intended to him is Evaded, by totally Removeing him from his Office, Instead of giving him leave to be Absent from it.

To the Fourth

His Excellency Desires the Opinion of this Board, as to what benefitt that Law gives him of the 3d ꝑ hhd

Whereupon it is the Unanimous Opinion of this Board, C. P.
that his Excellency by that Law, has a Right to the Duty of 3^{d} ꝑ hh^{d} thereby given, untill such time as his Comission shall be Superseeded

To the Fifth

His Excellency Desires the Opinion of this Board

Whereupon It is the Opinion of this Board, That his Excellency has the Right to the three pence ꝑ Tonn given by that Law so long as he shall Continue Governour of Maryland

Upon which his Excellency Declares he Cannot part with that Right he has by the Comission he now holds untill it be Superseeded

To the Sixth

His Excellency is Pleased to Declare it as his Opinion, That his being so Strictly Comanded to Prorogue the Assembly for so long Time may be of very Fatal Consequence unto this Province, more Especially in case of Forreign Invasions, which our neighboring Colonys are at this Time Threatned with all from the Indians, And Virginia Actually Invaded, As he is Informed by His Maj^{tys} Governour of that Colony And the Sea Coasts of this province frequently Infested with Pyrates and Privateers, which have lately Come into the very Harbours on the Seaboard, and Carryed out Severall Tradeing Vessells

And Requires the Advice of this Board Concerning the said Instruction And proposeth it as an Expedient for Secureing the Good People of this Province from the Ill Consequence that may arise from the want of An Assembly, to make due Provision for the Safety thereof, That the said Instruction be duly Complyed withall, But that in Case of any such Forreign Invasion, Insurrection Famine or Further Instructions from Great Britain &c^{a} the present Assembly be Dissolved, And a new one Somoned, According to the Emergent Necessities of this Government, which he Intendeth to do upon no other Reasons than the foregoing Emergencies

This Board are of Opinion That their Lordships were not well advised on giving that Instruction, But that the above Expedient is a very proper one, And Advised the Adjourning of the Assembly untill the first Tuesday in Aprill next Accordingly

To the Seventh

His Excellency is pleased to lay before this Board the following Letter from the Honble the Comissioners of the Customes

[The Letter Entered at Large in the Councill Proceedings]

C. P. Whereupon his Excellency Observes, that the Address in the said Letter mentioned, being an Address from the Assembly of this Province and he no ways Concerned therein, the Assembly must Answer for themselves And for which he is no ways Responsible.

His Excellency is Pleased further to Observe, that as to that part which relates to Mr Birchfields being Obstructed by Colo Hart, He never did Obstruct Mr Birchfield in the Execution of his Office under the Comissioners of the Customes, And that he was Allways Aiding and Assisting to the Officers of the Customes in this Province in the Discharge of their Duties as by Law he was Required As to the Recovering the mony & Effects due to his Majesty in this Province, he is no ways Concerned in that matter, but as Judge in Equity, Which Trust he Discharged According to the Dictates of his Conscience, and the best of his Capacity; for which he is only Answerable to God and the King And that he has ever had it in his Memory, when he gave a Decree, to do Impartiall Justice, according to the Strict Letter & Tenor of his Oath without Fear, Favour, or Affection

Upon the whole his Excellency Says this Charge is so Generall, he is Incapable of giving a particular Answer to it, but upon his Arrivall in England he shall Shew that that Gentleman Cou'd have no Motives to make such Complaints against him, Unless he thereby Intended to Suppress him, the better to Countenance his Factious, Popish, Favourites, And shall Likewise shew, what Personall Offers of Friendship that Gentleman has made him, If he wou'd give way to the Illegall & Insolent Proceedings of his Minions, And that he never gave that Gentleman Advice or Councill in Relation to the Officers of the Customes but what he was Authorized to by his Majestys Royall Instructions Under his Sign Manuell & Privy Seale, which he thinks so farr from being a Crime, That he thought it his Indispensable Duty

That he Cannot but Observe (how little Regard soever their Lordships may have to his person) he is Sorry to see such a Slurr put upon his Character without ever Enquiring into Particulars, or that his Conduct shou'd be so Condemned without an Opportunity of Defence And Such a President he thinks may be of Dangerous Consequence to whomever succeeds him in this Government.

In Testimony that the aforegoing is a true Copy from the Councill Records of Maryland, the Seale of the Governour & Councill is hereto Affixed

p John Beard
Cl Councill

PROCEEDINGS

OF THE

COUNCIL OF MARYLAND.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

CHARLES CALVERT, ESQ.,
Governor.

1721–1727.

Maryland ss[t]

Lib. X.

At a Council held at the City of Annapolis on friday the 18th day of August in the 8th year of the Reign of our Sovereign Lord King George and the 6th year of his Lordships the right honble the Lord Proprietarys dominion &c Annoq Domini 1721 p. 1

Present

His Honour Charles Calvert Esq[r] Governor

the honble	Phile Lloyd Esq[r] Col[o] Rich[d] Tilghman Col[o] M. L. Ward Thomas Bordley Esq[r] & James Bowles Esq[r]	Members of his Lordships honble Council.

The several Indians that came to treat about a peace with the Province being sent for appear before this Board Accompanied with Annatoquin a Great man of the Nanticoke Indians and with several others of that Nation

Whereupon his Honour the Governor is pleased to bespeake them as follows Viz[t]

My Friends

I am very glad to see you as coming from my Good Friends the Senequa Indians and am ready to hear what you have to say to me from those our Good Friends

Which Indians on enquiry are said to be of the Senequas Nation Onondagoes Nation

Ghesaont		Tannawree
Awennoot	Cayoogoes	Skeetowass
	Sahoode	

Ghesaont the chief Deputy from the Senequas Kings says he is very glad the Governor and comes as our very good Friends to see us p. 2

The Governor asks whether they have receiv'd a parchment or paper with the Great Seal sent to them by Towena who answers yes and that it is sent up to the chief kings

The said Ghesaont produced the following pass viz[t]

Pennsylvania ss[t]

[Seal] Sir William Keith Baronet Gov[r] of the province of Pennsylvania & Counties of New Castle Kent and Sussex

Lib. X. upon Delaware To all to whom these presents shall Come Greeting Know yee that Ghesaont the Bearer hereof with divers other Indians of his Company are persons sent by the Kings or chiefs of the five nations to renew Treaties of Friendship with this and others of his Majestys Governments on the River Susquehannah and Bay of Chesopeak and having held such a treaty with me are now proceeding to the Gov^{rs} of Maryland and Virginia to hold the like Treaties with them respectively more effectually to establish peace and Friendship between their people of the said five Nations and his Majestys Subjects of the said Governments

I do therefore hereby Require all his Majestys Subjects of this province and request and desire all others of the said Neighbouring Governments that they kindly receive and treat the said Indians and forward them in their said intended Journey they behaving themselves peaceably and as becometh Given under my hand and Seal at Conestagoe the 9th day of Iuly in the 7th year of the Reign of our Sovereign Lord King George King of Great Brittain &c Annoq Domini 1721

William Keith

And then they Complain of some Indians in Virginia that
p. 3 have killed six of their men and that they design to cut them Indians of unless they make them Satisfaction and hope the English will not meddle therein they being in peace with the English

The said Ghesaont says that they will go to that Town and Cut it of for he says they will do it those Indians having killed some of their Indians unless they give them as many Indians as they have killed and would not have Us Concerned or Affronted with it they the said Said Sinequas being in peace with us and they say that the said Indians that Injured them lives within a days march from the Inhabitants of Virginia and that they are going to the Governor of Virginia to treat with him before they go upon it

He the said Ghesaont delivers four Skins to the Governor with all his Heart and is glad to see him & give him these Skins in token that he desires our Friendship

They present two Skins more to the Governor and desire a pass from him to the Governor of Virginia they being going there to treat with him about peace

The Governor acquaints them that he will give them an Answer to what they propose in the Afternoon and will then send for them and desires that they will keep themselves Sober

The Governor appoints to meet again in Council in the Afternoon.

Afternoon Lib. X.

This Board meet again and are present as in the forenoon

Whereupon the said Indians are again sent for who appear again before this Board

Whereupon his Honor the Governor speaks to them thus viz[t]

We are very sorry to hear that you have had a Loss of so p. 4
many of your people which we look upon as a loss of so many of our friends but before we give you a full Answer to that matter we desire to know if you have any Orders from your Kings to renew the old Treaties of peace and Friendship between us and your Kings

The said Ghesaont Answers thereto and says that he had Orders from the Kings of the Senequas to treat with the Governor of Pennsylvania at Conestogo then with the Governor of Maryland and so to Virginia and that the Indians hereabouts had agreed to cut of that Town in Case they did not make them satisfaction for the Injuries done and said that they had Orders to renew the Old Articles of Peace and that they are willing to have it done that they may Carry it with them to Virginia and that as they came back from thence they would let us see what they had done there

The Governor appoints to meet again in Council to Morrow morning

Saturday Morning August the 19th 1721

This Board meets again and are present as Yesterday

Whereupon the said Indians are again sent for who Appear again before this Board

Thereupon his Honour the Governor speaks to them thus viz[t]

My Good Friends

Because you came from your Kings to renew the Old Articles of peace with us we receive you as our Friends with all our hearts and are ready to renew those Articles and to brighten the old Chain of Friendship betwixt us that we may Continue Friends as long as the Sun & Moon endures

As to the Indians of Virginia we know nothing of them p. 5
nor what peace is made betwixt our Brothers of Virginia and those Indians but we are very sure if those Indians have done you any wrong that that Governor who is a just and good man will endeavour to make them Indians give you good Satisfaction

Lib. X. For as you are our Friends and Friends to our Brothers of Virginia we must all be sorry that any of your people have been killed and if our Friends or our Brothers or ourselves should do you any harm 'tis the Custom and Law amongst us that you should have Satisfaction made You the same as if we should hurt one another

But as we do not know the Virginia Indians so well as our dear friend and Brother the Governor of Virginia does, who is a good man and we are sure will do you no wrong we will write to him to desire him to use his best endeavours that those Indians may satisfy you to your Content if it Appears to him they have done you wrong

But you must by no means do any hurt to the Christian people of Virginia for they and we are all as one mans Children and Subjects under one King the Great King George

And we shall write to our Good Friend the Governor of Virginia to desire him to renew the antient Peace with you that they and you and us who are all Friends may live as Brothers and Friends in perfect peace and that your Children and our Children may live as one mans Children for ever

The Indians Answer

They return the Governor thanks for the Friendship promised them which they shall never forget but be always our very Good Friends

p. 6 Afterwards the Governor acquaints them that we are willing to renew the Articles of Peace made in the year 1685 which if they will they may have from under our hands

The Indians say they have the same and that they have no Occasion to hear them but fully Agree to the Renewment thereof and that we are all Friends

Annatiquin a Great man of the Nanticoke Indians being asked by the Governor if he had any thing on Behalf of his Indians to Offer to this Board

Who produces Articles of Peace made between the late Governor and them Indians and Complains that the English has Setled upon their Lands by which means they have not Land Enough to make Corn fields on and desires to Renew the same Articles of Peace with his Honour the Governor

Thereupon his Honour the Governor Confirms the said Articles by writing thereto as follows viz[t]

The Above Articles in behalf of Lord Baltimore Renewed by Cha: Calvert.

August 19th 1721 Lib. X.

And the said Annatoquin is acquainted by the Governor that philemon Lloyd Esqr Colo Richd Tilghman and Colo Mathew Tilghman Ward are appointed Commissioners by Law to do them Iustice in relation to their Complaints about the bounds of their Lands

The Governor appoints to meet in Council in the Afternoon and Acquaints the Indians that he shall give them notice then to attend he having further to say to them

Afternoon p. 7

This Board again met and are present as in the forenoon

The said Indians being again sent for appear before this Board

Whereupon his Honour the Governor delivers to the said Ghesaont a pass for himself and divers other Indians of his Company to the same Effect with that Given them by the Governor of Pennsylvania for their Travelling to the Governor of Virginia with a Letter to the said Governor which Letter is as follows vizt

August 19th 1721

Sir

The Senequa Indians that are come down to renew Peace with his Majestys Subjects Inhabiting Chesopeak Bay are both the Occasion and Bearers of this Letter which is Agreable to a promise made them upon a Complaint of Injuries done them by the Virginia Indians as we are strangers to the fact and Grounds of the Senequas quarrels with your Indians our Council did not think fit to engage further in the Affair than to show our Readiness to do our parts in Compromising all matters in dispute between those and our friend Indians and therefore promised to write to your Honour in their favour I would not have your Honour believe that I had any manner of doubt in me that any good Offices towards the Composing of that difference would be any ways wanting on your part yet to express our Good will to these Indians that are in Amity with us by a peace treated on and Concluded with them at Albany 1682 on the behalf of Maryland and Virginia too & Confirm'd at the head of our Bay 1685 our Council thought it very proper for me to entreat your Honours kind Endeavours (according as the merit of the Case shall require) to let Iustice be done to these Complaints so p. 8
that the antient treaties of peace and Friendship may now be renewed between them and his Majestys Subjects of Virginia

Lib. X. I shall trouble your Honour with a more particular Account of our proceedings in this Matter but this is at the request of these Indians to accompany them from your Honours

Most Obedient humble Servant
Cha Calvert

And afterwards the Governor is pleased to speak to them as follows viz[t]

My Good Friends

Because I would have you and all our good Friends to grow rich and happy I earnestly advise you to take care to preserve yourselves and not to go to war with any of your Neighbours when you may live in peace for twenty Scalps is not so good to you as the Saving one of your Brothers or Children alive

And thereupon the Governor delivers to the said Ghesaont two Stroud Match Coats and one stroud Match Coat to each of the others in token of his Friendship with them and a stroud Match Coat to each of the Interpreters for their Service

And afterwards the Governor is pleased further to say I wish you a Good Iourney to Virginia and that you may all be Friends and I shall be glad to see you as you come back from Virginia and so farewell

Afterwards the Governor sends for Liquors to drink with
p. 9 the said Indians the following healths and have Five of the Great Guns fired on drinking of each health which was accordingly perform'd which healths so drunk are as follows Viz[t]

We wish well to our Great King George

We wish well to the Lord Baltimore Lord proprietary of this province

We wish well to your Great King and all our Indians Friends

We wish peace and Friendship betwixt us Christian and all our friend Indians forever

The Governor signed a pass for the said Indians to the Several Ferry men of South patuxent and patomack Rivers to suffer the said Indians to pass over the said ferrys without pay the said ferrymen to be paid by the publick

Ordered by the Board that an express be sent with a Copy of these proceedings to the Governor of Virginia

His Honour the Governors Letter to the Governor of Virginia about the Indian Affairs is as follows Viz[t]

Sir Lib. X.

Some Representatives or Deputies from the Senequa Nations have been down to renew their former Articles of peace with this province and as I have with the Advice of my Council made some progress therein with them I thought it might not be Improper to Communicate to you our proceedings with them which I therefore inclose you and beg you to be referred to them and least the proceedings of the Pensylvania Government should not yet be come to your hands I likewise send you what I have in print of them.

You may please to observe in our proceedings that the p. 10
Senequas seem to be resolved on the destroying some Town of your neighbouring Indians (unless they make some Satisfaction) which Indians we understand from them are in Friendship with you but as we cannot learn the name of the Town nor Nations of Indians it belongs to I am not able to give you a more particular Account thereof

But this I have Observed that these Indians have been securing their peace with all the Indians to the Northward and Strengthning their alliance with all the Neighbouring Indians the better to enable them to Compass their designs Against that Town or Nation, the Cause of their Resentment from what we can gather by the Imperfect Translation of their Interpreters, is, that some time since a parcell of their Indians were sent to that Nation with Belts of peake in token of peace and were Civilly received at their Town but After their departure were pursued by them into the Woods and five of them killed and also that a Second time they sent six others with Belts of peake which never returned and therefore Conclude were murthered likewise

Sr

We apprehend that those Indians are prepared to Receive Impressions according to the Treatment they find with you in Virginia either for War or peace but seem resolved to try the softest measures first and seem disposed to Accept of a pecuniary Satisfaction for the Injuries they have received this temper of theirs I think proper to hint to your Honour and shall be proud if it may be of any Service in your treaty with them

Sr

I do not at all doubt of your Caution and prudent Management at this Juncture but am advised by my Council to desire p. 11
your Greatest Regards to the pacifying of these people (if their case be as they have represented it) by obliging your

Lib. X. Indians to make them such Satisfaction as in your wisdom you shall think most proper that his Majestys Subjects on this Continent may not be involved in a General war with all the Nations of Indians Confederated with these Senequas by any Occasion from your Colony

this S^r I have thought proper to advise you of From Sir your most Obedient humble Servant

Annapolis August 19th 1721 Charles Calvert

I beg you will Excuse this Scrawl it being done in Great Hurry

The Governor appoints to meet in Council to morrow Morning to Consult further about the Indians the Governor being informed they are under some difficulty to get to Virginia and that some of them was resolved to return unless there was a Boat provided for them

Sunday Morning August the 20th 1721

This Board again mett and are present as yesterday

The Indians being sent for again appear before this Board, Whereupon the Governor acquaints the said Indians that theres a Boat provided for their Transportation to Virginia and that it will be ready for them to Morrow Morning

And he further tells them that the said Boat was purely provided for them out of good will to them that they might go to Virginia with more ease and safety

Thereupon the said Ghesaont returns the Governor thanks

And the Governor further acquaints them that the Govr of Virginia is a very kind man and would take Care of them when they were there

p. 12 Annotoquin presents to the Governor a Belt of Peake which is Given jointly between the Senequa and Nanticokes & on their joint behalf in token that the Senequas Nanticokes and us are all Friends

Annotoquin shews to the Governor another Belt of Peake which he presents to Ghesaont to be carried to Virginia and presented to the Governor there in token that the Nanticokes and Senequas desire to be Friends with the Governor of Virginia all one as they are with us

Annatoquin further says on Behalf of the Senaquas and Nanticokes that as we are all Friends if any French or other Enemies should come against them or us we must all tell one another of it and help one another but not to go far out to make War against our Enemies this treaty being an alliance wholly defensive

The Governor presents to Annatoquin two Stroud Match coats that is to say one for himself and the other for Panquash a Great man of the said Nanticokes in Return of their Belt of Peak and in token that we are all friends having presented the Senequas yesterday Lib. X.

The Senequas likewise tell the Governor they heartily thank him for sending them by water to Virginia and that if any Gust or harm shoud happen to them they shoud not lay it at the Governors Door but take it upon themselves

On further discourse with the Indians Interpreters they say they did not tell us that the Indians that killd their people were friends to Virginia but that we mistook them for that they say those Indians live towards the Sun Setting from the mountains and over a River from Virginia and that the Virginia Indians and they were often a fighting

Whereupon tis Resolved by his Honour the Governor and this Board that since the Interpretations seem so imperfect and the relation they give of their Enemies so uncertain 'tis most proper to refer the Enquiry and Consideration thereof intirely to the Governor of Virginia p. 13

Ghesaont and the Senequa Indians deliver sundry things to the Governor to be kept for them till they come back from Virginia and if it should please God they should be cast away the things they Leave must be delivered Annatoquin to be sent up to their own Country

Thereupon the Indians seem well pleased and take their Leave

Maryland ss[t]

At a Council held in the Council Chamber in the City of Annapolis on friday the 13th day of October in the 7th year of the Reign of our Sovereign Lord King George of Great Britain &c & in the 6th year of the dominion of his Lordship the right honble Charles Lord Baron of Baltimore Absolute Lord and Proprietary of the Provinces of Maryland and Avalon &c Annoq Dom 1721

Present

His Honour Charles Calvert Esq[r] Governor of Maryland

the honble	Col[o] William Holland L[t] Col[o] Samuel Young Col[o] Thomas Addison Philemon Lloyd Esq[r] John Rousby Esq[r]	Members of his Lordships honble Council

His Honour the Governor Communicates to this Board a deposition of one Adam Short taken before the honble Philemon Lloyd Esq[r] which is as follows viz[t]

Lib. X. Cecil County

The Deposition of Adam Short of Christina River upon delaware but late of Cecil County in Maryland aged fifty three years or thereabouts of and Concerning an unlawful force Committed by David Evans of the welch Tract upon his possession at Elk River and upon the Branches of a Back Creek issueing out of the same being sworn upon the holy Evangelists of Almighty God deposeth

That sometime in Iuly in the year of our Lord One thousand Seven hundred and twenty he made a purchase of a tract of Land called Green Meadows Containing One hundred sixty and two Acres located as above from a Certain Alexander Frazier, and was thereof legally possessed upon the Surrender of the premises to him by Barbara the relict of David Perry the first taker up of the said Land by Maryland right, who by her self and late Husband had lived in the quiet possession thereof for more than sixteen years, he further deposeth that being in such manner in lawful possession of the premises aforesaid, he received a Letter some time in December last, from Col° John French of New Castle upon Delaware, importing, that he desired to speak with this deponent at Christiana Bridge near New Castle, whereupon this Deponent went immediately there to know the Occasion of this Message, Col° French thereupon told him that a Complaint was made against him by Mr David Evans one of the Justices and Sole Purchaser of the welch Tract that he this deponent was seated upon some part of the Welch Tract af^d and that if it were true then that he this deponent could not
p. 15 hold it, but that if he were out of the Circular Line Adam said he you have the best Title to it of any Body that I know, however replied he again, Mr Evans and I will Consider further of it, and Woud send me their Answer within two or three days, but at the same time told this deponent, that he would advise him (this deponent meaning) that if he were within their Circular Line (that is the twelve miles Circle about New Castle) he had best go of, for the first loss would be the least, this deponent farther saith that within some small time after, he received another Letter from Col° French afores^d informing that he and Mr Evans had Considered of the thing, and that this deponents plantation lay as Mr Evans told him, within the Welch Tract, and further advised this deponent as a friend to go of quietly, or else must prove that his said plantation lay in Maryland, for that he must prove the one or loose the other this deponent further saith he having Communication with Col° French at sundry times Afterwards, the said Col° John French told this deponent, that the best thing he could advise him, was, to leave the

Plantation aforesaid, however notwithstanding these threats Lib. X.
he this deponent persisted in maintaining and in proving his possession aforesaid by plowing in English Grain by Getting Timber for building a Logghouse and making Fence Rails and by Planting small Apple Trees in a Nursery

This deponent further saith that on the 14th day of February last past Mr David Evans with a Company of Men Consisting of 8 or 10 or more in an Unlawful manner, most of them having a falling Ax in his hand and having with two Horses harnessed drawing a Logg Sledge came to the plantation of this deponent who seeing such a Company Coming to p. 16
his house imagined they had some design of forcing his possession whereupon this Deponent immediately nailed up the door of one out house and stood in the door way of another house, which was the dwelling house, this deponent further declareth that Mr Evans and his Company being come up to the house Mr Evans demanded of this deponent if he kept possession there, to which this deponent answered in the Affirmative then Mr David Evans applying to the By standers to take Notice of what he said told this deponent that he warned him before all these people to come out of the house, to which this Deponent replied that he would not, and he the said Evans asked this deponent who he pretended to hold his Land under, he replied my Lord Baltemore, and that he owned no Body else to be his Landlord, he the said Evans then required this deponent a Second time to Come out of the house, and then turning about and talking Welch to his Company, they went immediately to cutting the Trees that this deponent had fallen, and drew in some of them near to the house of this deponent, with a design as he thought to build a house there upon, which this deponent went immediately to a Maryland Iustice of the peace but finding no relief that way, he return'd again to his plantation and found that Company so expeditious in building a Logg House that they had already raised it all round three Logs high before this deponent returned back, he further deposeth that seing what they were about he forewarned him the said Evans and his Company from Cutting his Wood, and Committing any further Trespass upon his Land, I don't mind you replied Evans p. 17
we will try that, so they finished the house and gave possession to one Rice Jenkin, this deponent further saith that being Reflected upon, and abused by the Builders of that house & foreseeing that if he staid to keep possession there he Could make no Crop and must necessarily be a Great Sufferer at his plantation upon Christiana he withdrew thence

And this deponent further saith when he went from his Tenement upon the Tract of Land aforesaid called Green

Lib. X. Meadows that he nailed up the door of the out house aforesd and Barred up the door of the dwelling House so as it Could not be Opened without great force and that when he returned the next time to his said plantation he found the dwelling house door open and a Taylors shop made of his Out house or Badd Stove

This deposition taken at Bohemia Landing Septr the 21st 1721 — Adam Short [Signum]

Before me

Phile: Lloyd

Whereupon his Honour the Governor desires the Advice of this Board Concerning the premises mentioned in the said deposition

Resolved that Notice be given the said Adam Short that there will be a Council held on the second day of Novr next to hear his Complaint concerning the premises mentioned in the deposition aforesaid and at which time he is required to give his attendance and to give notice to all persons under the same Circumstance with him that they are likewise required to give their Attendance at the same in Order that this Board may then do what they shall Iudge proper in the Affair.

p. 18 His Honour the Governor desires the advice of this Boarde what will be a proper time to prorogue the Assembly to

Resolved the first Tuesday of December next Whereupon its Ordered that a proclamation be prepared to prorogue the Assembly to that time Accordingly which proclamation being prepared is as follows vizt

Maryland sst

By the Captain General &ca

A Proclamation

Whereas the present General Assembly of this Province now stands prorogued until the third tuesday in October instant I have thought fit by and with the Advice of his Lordships the right honble the Lord proprietarys honble Council further to prorogue the said General Assembly until the first tuesday in December next Given at the City of Annapolis under his Lordships the right honble the Lord Proprietarys Greater Seal at Arms the 13th day of October in the 8th year of the reign of our Sovereign Lord King George and in the 6th of our dominion &c Annoq Dom 1721

God save the King & his Lordship

Cha: [Seal] Calvert

Maryland ss[t] Lib. X.

At a Council held in the Council Chamber in the City of Annapolis on thursday the 2[d] day of Nov[r] in the 7th year of the Reign of our Sovereign Lord King George of Great Britain &c and the 6th year of his Lordships the right honble the Lord Proprietarys Dominion &c Annoq Domini 1721 p. 19

Present

His Honour Charles Calvert Esq[r] Gov[r]

the honble { Col° Samuel Young, John Hall Esq[r], Phile: Lloyd Esq[r], Col° Richard Tilghman, Col° M L Ward & James Bowles Esq[r] } Members of his Ldshps honble Council

The Board adjourns until to Morrow Morning 8 a Clock

The Board meet again according to Adjournment

Friday November the 3rd 1721

Present

His Honour Charles Calvert Esq[r] Governor

the honble { Col° Thomas Addison, John Hall Esq[r], Philemon Lloyd Esq[r], Col° Richard Tilghman, Col° M L Ward, James Bowles Esq[r] } Members of his Ldshps honble Council

Patrick Murphy being sent for appears before this Board and thereupon his deposition is taken which is as follows viz[t]

The Deposition of Patrick Murphy Aged about Sixty years being sworn on the holy Evangelist p. 20

Saith That about years ago he brought a Lease of Ejectment against Richard Lewis John Thomas and David Evans who were setled on a tract of Land called Murphys forest taken up by this deponent by Maryland rights about the year sixteen hundred ninety four that he Obtained Judgment and had a writt of Possession directed to the Sheriff of Cecil County to give this Deponent quiet possession of the said Land and premises that M[r] Thomas Kelton then high Sheriff of the County aforesaid went with this deponent to the house of John Thomas and carried with him Edw[d] Veazy & John Willinger when they came to the house there was

Lib. X. only John Thomas his wife and Children in the house that Mr Kelton told her he came by virtue of a power from the provincial Court of Maryland to give this deponent possession of that house and Land and desired her to go out of the house, she replied that she would not go out, whereupon Mr Kelton told her he must take her out by force And Commanded Edward Veazey in her Majestys name to Assist him then Mr Kelton took hold of one of her arms and Veazey of the other and led her out of the house she then cried out murther and Mr Kelton told her that he would not hurt one hair of her head but as he was Commanded by the higher powers to give this deponent quiet possession he must do it and accordingly remove the Children out of the house and gave this deponent quiet Possession of it that John Thomas his wife went away and in about an hour and a half came
p. 21 again with about twenty welch Men with her who had great Clubs in their hands & with threatning speeches Confined and kept this deponent in the house but after sometime let Mr Kelton Veazey and Willinger go about their Business who went as this depon^t understood to David Evans and lay there that night, that the next day Col^o French came from New Castle with about forty men well Arm'd and took this deponent and Mr Kelton Veazey and Willinger who were come again to John Thomas's and carried them prisoners to New Castle that upon the road this deponent meeting a neighbour of his desired Col^o French to stop that he might send a Note to his Wife that Col^o French did stop and this deponent got Mr Willinger to write to his Wife to go to Mr Charles Carrolls and acquaint him with his Circumstance that his wife went to Mr Carroll who applied himself to Governor Seymour that Governor Seymour wrote to the Governor of Pennsylvania that thereupon they were discharged out of the Custody of the Sheriff of New Castle after having been confined four days at New Castle

And further saith not

Patrick his P mark Murphy

November the 3^d 1721

Sworn to before the Governor and Council Adam Short being sent for appears before this Board and thereupon his Deposition is taken which is as follows vizt

The Deposition of Adam Short of Christina River upon Deleware but late of Cecil County in Maryland Aged Fifty three years or thereabouts of and Concerning an unlawfull

force Committed by David Evans of the Welch Tract upon Lib. X.
his possession at Elk River and upon the Branches of a Back p. 22
Creek issuing out of the same being sworn upon the holy Evangelist of Almighty God deposeth

That sometime in Iuly in the year of our Lord One thousand seven hundred and twenty he made a purchase of a tract of Land Called Green Meadows Containing One hundred and sixty two Acres Located as above from a certain Alexander Frazier and was thereof legally possessed upon the Surrender of the premises to him by Barbara the Relict of David Perry the first planter on the said Land who lived under the Maryland Gov^t and paid tax thereto who by herself and late Husband had lived in the quiet Possession thereof for more than sixteen years he further deposeth that being in such Manner in Lawfull possession of the premises afores^d he received a Letter Sometime in December last from Col^o John French of New Castle upon Deleware importing that he desired to speak with this Deponent at Christina Mills near New Castle Whereupon this Deponent went immediately there to know the Occasion of this Message Col^o Franch thereupon told him that a Complaint was made against him by Mr David Evans one of the Iustices and a Ioint purchaser with William Davis of the Welch Tract that he this dep^t was seated upon some part of the Welch Tract aforesaid and that if it were true then that he this deponent Could not hold it but that if he were out of the Circular Line Adam said he you have the best title to it of any Body that I know however replied he again Mr Evans and I will Consider further of it and would send him their
Answer within two or three days but at the same time told p. 23
this Deponent that he would advise him this Deponent meaning that if he were within their Circular Line (that is the twelve miles Circle about New Castle) he had best go of, for the first Loss would be the Least, this Deponent further saith that within some small time after he received another Letter from Col^o French aforesaid informing that he and Mr Evans had Considered of the thing and that this Deponents plantation lay as Mr Evans told him within the welch Tract and further advised this deponent as a Friend to go of quietly or else must prove that his said plantation lay in Maryland for that he must prove the one or loose the Other

This Deponent further saith he having Communication with Col^o John French at sundry times afterwards the said Col^o John French told this deponent that the best thing he could advise him to, was, to leave the plantation aforesaid, however notwithstanding these threats he this deponent persisted in maintaining and in proving his possession aforesaid by plowing in English Grain by getting Timber for Building a Logg

Lib. X. house and making fence Rails and by planting small Apple Trees in a Nursery

This Dependent further saith that on the 14th day of February last past Mr David Evans with a Company of men consisting of 8 or 10 or more in an unlawful manner most of them having a falling ax in his hand and having with them two Horses Harnessed drawing a Logg Sledd came to the plan-
p. 24 tation of this deponent who seing such a Company Coming to his House Imagined they had some design of forcing his possession whereupon he this deponent immediately naild up the door of one out house and stood in the door way of another house which was the dwelling house, this Deponent further declareth that Mr Evans and his Company being come up to the house Mr Evans demanded of this deponent if he kept possession there, to which this deponent answered in the Affirmative, then Mr Duval Evans applying to the By standers to take notice of what he said, told this deponent, that he warned him before all those people to come out of the house, to which this deponent replied that he would not, and he the said Evans askd this deponent who he pretended to hold his Land under, he replied my Lord Baltimore, and that he owned no Body else to be his Landlord, he the said Evans then required this deponent a second time to Come out of the house, and then turning about and talking welch to his Company, they went immediately to cutting the Trees that this deponent had fallen with a design to build a Log House and drew in some of them near to the house of this deponent, with a design as he thought to build a house there, upon which this deponent went immediately to a Justice of Peace of Cecil County, but finding no relief that way, returnd again to his plantation and found that Company so expeditious in building a Logg House that they had already raised it all round three Logs high before this deponent returned back he further deposeth that seing what they were about he forewarned the said Evans & his Company from Cutting his Wood and Committing any further Trespass upon his Land, I dont mind you replied Evans, we will try that so they finish'd the house and Gave Possession to one Rice Ienkin

p. 25 This Deponent further saith that being reflected upon and abused by the Builders of that house, and foreseeing that if he staid to keep possession there, he coud make no Crop and must necessarily be a great Sufferer at his plantation upon Christina he withdrew thence, and this Deponent further saith when he went from his Tenement upon the Tract of Land aforesaid called Green Meadows, that he Nailed up the Door of the Outhouse aforesaid, and Barred up the door of the

Dwelling House so as it could not be opened without Great Force and that when he returned the next time to his said plantation, he found the dwelling house door open And a Taylors Shop made of his Out House or Bad Stove Lib. X

And this Deponent further declares that George Deakins the Surveyor of New Castle County assured him that his Plantation was not inclosed in the twelve Miles Circle and further saith not Adam Short

November the 3d 1721

Sworn to before the Governor and Council

Ordered that the several Sheriffs within this Province forthwith cause the several Constables within their Bailiwick to take an account of all the white Taxable men and of all Negroes Men Women and Children in different Colums and return a fair List thereof to this Board by the next Provincial Court.

The Board adjourns till to Morrow Morning Eight a Clock

November 4th 1721

The Board meet again according to Adjournment

Present p. 26

His Honour Charles Calvert Esqr Govr

the honble	Colo Samuel Young Colo Thomas Addison John Hall Esqr Phile: Lloyd Esqr Colo Richard Tilghman Col M T Ward James Bowles Esqr	Members of his Lordships honble Council

His Honour the Governor desires the Advice of this Board what will be a proper time to Prorogue the Assembly to

Resolved the 20th of February next be a proper time

Whereupon its Order'd that proclamation be prepared to prorogue the Assembly to that time accordingly which proclamation being prepared is as follows vizt

Maryland ssr

By the Captain General &ca

A Proclamation

Whereas the present General Assembly of this province now stands prorogued until the first tuesday in December next I have thought fit by and with the advice of his Lord-

Lib. X. ships the right honble the Lord Proprietarys honble Council further to prorogue the said General Assembly until the twentieth day of February next Given at the City of Annapolis under his Lordships the right Honble the Lord Proprietarys Greater seal at Arms this 4th day of November in the
p. 27 8th year of the Reign of our Sovereign Lord King George and in the 6th of our Dominion &c Annoq Domini 1721

God save the King

Cha [Seal] Calvert and his Lordship

Colo Nathaniel Hynson of Kent County being sent for, appears before this Board and declares as follows vizt

That about fourteen years ago he being high Sheriff of Cecil County then was a writt of Possession directed to him to possess one Patrick Murphy of a Certain tract of Land but that at that time there happened to be a division of Kent and Cecil Countys it being his Lott to fall into Kent County had not an opportunity of executing said Writt but that one Mr Thomas Kelton who was appointed Sheriff of Cecil County as said Hynson afterwards understood said Kelton executed said Writt and had put said Murphy in possession of the Land by him recovered and that afterwards said Hynson had from Mr Kelton that Colo French from New Castle had taken him Prisoner and Carried him to New Castle upon his Executing said writt of Possession, upon hearing of which said Hynson writt to the then Govr Seymour, who to the best of said Hynsons Remembrance writt to him the said Hynson in Answer thereto, which Letter he believes he has still by him the Substance of which said Letter to the best of his Remembrance is that the Govr said it was none of his Business to Contend about his Lordships right

Thereupon Colo Hynson is desired by this Board to Lodge with the Clerk thereof such Letters as he has by him relating to this Affair in order to be recorded

p. 28 Resolved by the Members of this Board that his Honour the Governor be desired to make a representation of the Encroachment of the Pennsylvanians upon this Province to his Lordship

p. 29 At a Council held in the Council Chamber in the City of Annapolis February 21t in the 8th year of the Reign of our Sovereign Lord King George &ca and in the 7th year

of the Dominion of the right Honourable Charles Lord Lib. X.
Baron of Baltimore Absolute &c Annoq Dom 1721

Present

The honble Charles Calvert Esqr Govr

the honble { Colo William Holland, Colo Samuel Young, John Hall Esqr, Colo Richard Tilghman, Colo Thomas Addison, James Bowles Esqr, John Rousby Esqr }

Colo Addison produced the following Letters which were read in Council and are as follows vizt

Sir:

The Occasion of this Trouble is on the death of one of the chief men of the Sinicar Nation called Saroney killed by two of the Conestogan Traders called John and Edmund Cartlidge who immediately fled on this Occasion the Consequence of this imprudent and base action seems very much to threaten this our province with an Indian war to prevent which I know no Gentleman so worthy and capable to apply to as your good self that his Excellency the Governor may be acquainted with this unhappy Accident p. 30
in order that proper measures may be taken for the security of his Lordships good Tennants and as all the Frontiers are in the greatest want of Powder and Ball to defend themselves we humbly pray your Honour to Consider how uncapable we on the back plantations are of defending our selves unless we can be furnished out of the publick Magazine in order to which we make our Application to you as Father of our County hoping you will not omit doing the duty of a Parent on such an Emergent Occasion to prevent shedding Innocent Blood I am in sincerity

Directed to Colo Thos Addison
No date in the Original

Sir
Your most Humble and most Obedient Servant
John Bradford

February 17th 1721/22

Sir

I am honoured with yours dated this day by Mr Fraser the great Sinicar Indian by the best account I can have was killed at Monocasey about ten days past by John Cartlidge of Conestogoe who was then in Company with his Brother Edmund Cartlidge the way he murdered him was by making a violent

Lib. X. stroke at his head with the Indians own Gun and drove the head of the Cock into his Brains, the reasons of this Fact were, because the said Indian would not buy of their Rum which they brought there to sell, the informers are John Hans Steelman Junior and some Indians who came soon after down to the Sugar Lands the two Cartlidges are undoubtedly return'd to Conestogoe where they have their Families and very good Settlements soon after the Indian
p. 31 was dead they pack'd up their Goods and travailed homewards I am since informed that Captain John Hans Steelman is Come to Monocasey and hath sent for his Son (who is gone back) to him from the Sugar lands whether he is fled for fear of the Indians the Frontier Inhabitants are altogether uncapable of making any defence having neither Powder nor Ball I have sent what little I had by me to the Sugar Lands some Indians say that if the murtherer is brought to Justice the Sinicars will require no more, I am in the highest degree obliged for your kind promises to use your endeavours with his Excellency that proper measures may be taken to preserve peace with the Indians on this unhappy occasion I am &c

John Bradford

To these two Letters his Honour the Governor return'd the answer following

Annapolis February 21st 1721

Sir

Colo Addison having Communicated this day to the Council Board two Letters from you relating to the murther of one Sawney a chief Sinicar Indian committed by one John Cartlidge in Company with his Brother Edmd Cartlidge both Residents at Conestoga it is the Opinion of this Board that by all means possible you contrive to let the Indians know, that the Murderers are under the Pennsylvania Government and that we are no ways Concern'd in it, and at the same time assure them that we shall write to the Governor of Pennsylvania that they may have Reparation for the Injury done them, and that on our parts we will always remain in perfect Friendship with them And you are desired to be very
p. 32 Cautious in giving the Indians any Occasion of Coming to Blows I am

Sir

Your very humble Servant

Cha: Calvert

With this comes a Hundred weight of Ball & a Note from Colo Addison for a Quarter Barrel of Powder at his house

Thursday February 22d 1721 Lib. X.

Present in Council

The honble Charles Calvert Esqr Governor

the honble { Colo William Holland, Colo Samuel Young, John Hall Esqr, Colo Thomas Addison, James Bowles Esqr, John Rousby Esqr }

The following petition was read in Council vizt

February 17th 1721

To his Excellency Charles Calvert Esqr his Lordships Lieutenant Governor of Maryland and his Lordships most Honourable Council

The humble petition of Richard Pierson of Dorchester County

Humbly sheweth to your Excellency and your Honours

That your petitioner was summoned by the Sheriff of Dorchester County to attend as a Iuryman at the Provincial Court in April last past now so it is may it please your Excellency that your petitioner having no Boat of his own and Living in the Lower part of the County made his ap- p. 33
plication to one Mathew Travers for a passage with him to Annapolis who told your petr he was going there and that he shoud be welcome but it hapned so that the said Mathew Travers did not go according to his former intent by which means your petitioner was wholly disapointed and your petitioner is informed that he was fined one thousand pounds of Tobacco for his default in the Provincial Court and your petitioner being a poor Impotent man having had one of his Hands shot mostly away so that it is become useless therefore your petitioner prays that your Excellency and Honours would be pleased out of your Great Clemency to Consider your poor petitioners Case and remit the said fine

And as in duty Bound will pray

The said petition is Granted and Order Given that a Certificate thereof be made out in favour of said Richard Pierson

Lib. X. At a Council held in the Council Chamber in Annapolis on Friday February the 23d 1721

Present in Council

The honble Charles Calvert Esqr Governor

the honble { Colo Willm Holland, Colo Samuel Young, John Hall Esqr, Colo Thomas Addison, Colo Richard Tilghman, Colo M T Ward, James Bowles Esqr, John Rousby Esqr }

The honble James Bowles Esqr produces the following petition vizt

p. 34 To his Excellency Charles Calvert Esqr Governor and the Honourable Council of Maryland

The humble Remonstrance of Thomas Truman Greenfield Sheriff of Saint Marys County

Humbly sheweth

That your Declarator serv'd a writt of Retorno habendo in April last upon six Negroes then in possession of a certain Mary Phippard to the use of George Forbes which Negroes were appraised as the estate of Kenelm Cheseldyn deceased at one hundred fifty nine Pounds as p the Inventory of that estate may appear

Now may it please your Honours this being an Extraordinary writt and such as the Law has not ascertained the fees for I applied my self to the Iustices of the provincial Court for the Regulation of my Fees in that Case having taken notice of a paragraph in the Act for Limitation of Officers Fees Folio 47 wherein it is said for serving an Extraordinary Warrant or Commission to be regulated by the Court which Court I Conceived was that which the Precept was returnable but the Court was of another Opinion and referred me to your Honours who is therefore humbly prayed to Ascertain them with regard had to my Great Trouble some of the said Negroes being Conceal'd in the Woods and the Execution of as much Hazard as a Replevin

Which favour will always be thankfully acknowledged by

Your Excellencys and Honours

November 7th 1721 Most Obedient humble Servt

T T Greenfield

Which said petition being read and Considered was Ordered to be thus endorsed vizt

By the Governor and Council Feby 24th 1721 Lib. X. p. 35

The petition being read it is Ordered by this Board that there be the same fee for a Writt of Retorno Habendo as for a Writt of Replevin

Signed ꝑ Order
Saml Skippon Cl Concil

Att a Council held in the Council Chamber in the City of Annapolis Feby 26th 1721

Present in Council

The Honourable Charles Calvert Esqr Governor

the honble { Col^{o} Saml Young, Col^{o} Thomas Addison, Col^{o} M Tilghman Ward, James Bowles Esqr, John Rousby Esqr, Col^{o} Richard Tilghman }

The Honourable Charles Calvert Esqr Governor having been informed by Col^{o} Addison (appears by the proceedings of the Council the 21st of this instant February) that Major John Bradford had written to him two Letters wherein he inform'd him of the murder of one of the chief men of the Sinaca Indians called Sawney by John Cartlidge in Company with his Brother Edmund Cartlidge two Conestoga Traders and the said John and Edmund Cartlidge living under the Pennsylvania Government it is the opinion and desire of the Board that his Honour write a short Letter to Sir William Keith Governor of Pennsylvania to acquaint him with the particulars of that information that so proper measures may be taken to p. 36
prevent the ill Consequences of that Action which Letter is a follows vizt

Sir William

Certain information being made to me and the Council that John and Edmund Cartlidge both Residents at Conestogoa have killed an Indian at Monocasy I thought it my duty for the preservation of the publick safety to acquaint you with it and earnestly desire you will use your endeavours that the Indians may be satisfied in order to prevent the ill Consequences of such a rash Action

I am
With Great Respect
Your most obedient
humble Servant
Cha: Calvert

Annapolis Feby 26th
The inclosed are particulars of our information

Superscrib'd to Sr William Keith Baron^{t}

Lib. X. At a Council held in the Council Chamber in the City of Annapolis February the 28th 1721

Present in Council

The honble Charles Calvert Esqr Governor

the honble { Colo William Holland, Colo Samuel Young, John Hall Esqr, Colo Thomas Addison, Colo Richard Tilghman, Colo M Tilghman Ward, James Bowles Esqr, John Rousby Esqr }

Ordered that Colo Samuel Young Treasurer of Western Shore pay Mr George Dashiel for twelve hundred Foot of
p. 37 plank after the late of one penny Currency p Foot out of the three pence p hhd Sterl for the maintainance of a Magazine the said plank being for the repairing of the powder House

Upon the petition of John Young Gunner and Armourer praying that he may be paid his last years Sallary for clearing the arms and other services done the publick

Ordered that Colo Samuel Young Treasurer of the Western Shore pay to the said John Young Fourty pounds Sterling being his full Sallary for the last year Ending the 11th day of January last out of the 3d p hhd Sterling for Arms &ca

His Honour the Governor lays before the Board a Letter he received from Major John Bradford which was Ordered to be entred and is as follows vizt

Eastern Branch of Potomack February 24th 1721/2

Sir

I am honoured with yours of the 21st instant by Samuel Murray by Whom this morning I received half a hundred wt of Shot and Bullets and an order from Colo Addison for a quarter Barrel of powder which I have sent for which shall be all Carefully delivered to the Frontier Inhabitants for their defence against the Indians if need be, I shall use my utmost diligence in following your Excellencys Orders to inform the the Indians the murtherers are in another Government and that your Excellency is so much a Friend to the Indians as to write to the Governor of Pennsylvania to have those murderers punish'd According to their desert

I shall also advise the Inhabitants by no means to Offend
p. 38 the Indians and for my own part will endeavor to improve that

good Acquaintance and Friendship that hath always been Lib. X.
betwixt myself and them since I have been an Inhabitant here
I am Sir
Your Excellency most Obliged &
most Obedient humble Servant
John Bradford

P S.
Sir
The great duty on furrs and Skins here is the Reason a Trade with the Indians cannot longer be maintain'd and that Trade is not only lost but in a Great measure our Acquaintance with it therefore if the Lord Proprietor or the Country would purchase Indian Goods to the Value of 200l Sterling first Cost and place the same with some Careful honest man for Sale, it would be a great means to keep Friends with the Indians without Charge (if the Returns did no more then keep up the first Stock) and Bar the Pennsylvanians from trading here, who have been the Occasion of this Uneasiness, and perhaps may create much more, I hope your Excellencys Goodness will pardon this freedom having no other design but his Lordships Interest and Safety of his Tenants
Sir
Yours as above
I. B.

At a Council held at the House of Mr Hugh Kennedy in Annapolis April the 7th 1722

Present

The honble Charles Calvert Esqr Governor p. 39

the honble { Thomas Brooke Esqr, Colo Samuel Young, Colo Richard Tilghman, Colo M. Tilghman Ward, John Rousby Esqr } Councillors

Upon his Excellencys desire to know the Opinion of this Board whether it may not be Convenient to dissolve this present General Assembly three years since their election the usual time of their sitting being almost expired

Resolved that it is the Opinion of this Board that it is Convenient to dissolve the same and that Proclamations issue for that purpose when his Excellency shall think fit To which Resolution his Excellency Concurs

Upon his Excellencys further desire to know the Advice of this honble Board what time may be most proper to call a new Assembly

Lib. X. Resolved that the third Tuesday in Iuly will be a proper time to call a new Assembly

Ordered that Writts issue Accordingly returnable the third Tuesday in Iuly

Maryland ss[t]

By the Honourable Charles Calvert Esq[r]
Cap[t] General Lieu[t] Gov[r] &c.

A Proclamation

Whereas there is no Emergent Occasion for the meeting of the Assembly at the day it is adjourned to and that the three years the usual Term of the Assemblys Continuance since the Election of the present Members of the Lower
p. 40 House will expire the fifteenth day of May next I have thought fit with the advice of his Lordships Council of State to dissolve this present Assembly and I do hereby dissolve the same and I do strictly charge and Command the several Sheriffs of this province to publish this my proclamation in their Several Counties in the most publick manner to the end that all Persons Concern'd may have Notice as they will Answer the Contrary at their perill Given at Annapolis this 9th day of April in the 7th year of the dominion of the right Honourable Charles Absolute Lord and proprietary of the province of Maryland and Avalon Lord Baron of Baltimore &c. Annoq Domini 1722

At a Council held at Annapolis Iuly the 2[d] at his Excellencys House in Annapolis aforesaid 1722

Present in Council

The honble Charles Calvert, Esq[r] Governor

the honble { Col[o] William Holland, Col[o] Samuel Young, Phile: Lloyd Esq[r], Col[o] Richard Tilghman, James Bowles Esq[r], Col[o] M T Ward } Councillors

A Letter from Daniel Dulany Esq[r] his Lordships Attorney General declaring his opinion whether upon a New Election of Assembly men their meeting may be prolong'd beyond the Time mentioned in the Writs of Election notwithstanding they had not met and chose a Speaker was laid before the

Board by his Honour the Governor and Ordered to be read Lib. X.
which said Letter follows in hæc Verba

May it please your Excellency p. 41

The question as I remember your Excellency and the honble Council demanded my opinion in was whether upon a new Election of Assembly men their meeting may be prolonged beyond the time mentioned in the writts of Election

To which I humbly answer that as the King is the head beginning and end of Parliaments he may (where he is not restraind by act of Parliament) by his prerogative dissolve parliaments when and as often as he pleases, and that nothing can be done without his Actual or Virtual presence, when the Circumstance of Affairs require it; the parliament may be prorogued to another day than that to which the Writ is returnable, and my Lord Coke in his fourth Institutes mentions the course to be taken on that Occasion to be, that when the parliament shall not begin (so are his words) at the day of the Return but for Urgent Causes then to be prorogued until another day then to be holden before the King, the ready way to Effect the same is by a writt Patent under the Great Seal reciting the writt of Summons and to bear Test before the return of it directed to the Lords and Commons according to their respective titles and that for certain causes and Considerations &c the parliament is prorogued, this writt indeed is to be read in the house of Lords in presence of some of the Commons with intent, no doubt that all persons Concernd may have due notice, but as the end may be attained here by means less expensive and inconvenient than the Assemblys meeting only to hear such a writt read Viz[t] by sending one into every County to be published by the Sheriff and that without any Irregularity I humbly submit to your p. 42
Excellency the most eligible method and as to the penalties upon the Delegates for non appearance at the Return of the writt of Election which was also mentioned as the design of the Law makers was (undoubtedly) to prevent the publick Affairs being neglected or delayed by the absence of any of the members, when the Assembly sits to do Business, were those penalties recoverable in the Courts of Law such a prorogation as I have already mentioned would be a Bar to any Action brought for 'em, and as they are inflicted by the house of Assembly its own members are not in a worse State than they would be at Law I beg your Excellencys Pardon for the Uncorrectness of this Scrawl and beg Leave to subscribe my Self

Sir

7th April 1722

Your Excellencys most humble
and Obedient Servant
D Dulany

Lib. X. Superscrib'd to his Excellency Charles Calvert Esqr Governor of Maryland

Upon reading the aforesaid Letter his Excellency ask'd the Board whether they Concurred in opinion with Mr Attorney General assuring them at the same time that he had nothing of moment to lay before the Assembly and that the prorogation of the same would be a great ease to the province, in answer to which this Board says that they do Concur with Mr Attorney General in his Opinion, and that in pursuance thereof his Excellency may prorogue the Assembly to another day than that to which the Writ is returnable

p. 43 And thereupon came to the following Resolutions vizt that the 9th day of October being the second tuesday of that month will be a proper time to prorogue the Assembly to

That Instructions be given to the Sheriffs of the respective Counties of this province to give personall Notice to the Members of the Assembly that they are then required to meet to proceed on Business without delay and

That writs of Prorogation reciting the Writs of Election issue immediately directed to the several Sheriffs of this province and to be published by them in the most publick manner and

That the writt of prorogation directed to the high Sheriff of Ann Arundell County be read publickly to morrow in the Council Chamber in the presence of his Excellency and such members of the upper and Lower house as shall then be in Town

To all which Resolutions his Excellency Concurs

His Excellency having communicated a paragraph of a Letter from Col^{o} Alexander Spotswood Governor of Virginia signifying his intended Iourney to Albany in order to meet the Indians there in Company with Sir William Keith Governor of Pennsylvania to adjust all differences between them and to settle a lasting peace with said Indians and desiring to know whether his Excellency woud meet him there to those purposes and having desired the Opinion of this Board thereon

In answer this Board say they are of Opinion that having so lately renewed our former Treaties with the said Indians
p. 44 and being in perfect peace and Amity with them it is no way necessary that his Excellency should take so long a Iourney but that his Excellency be desired to write to Col^{o} Spotswood and Sir William Keith to desire them to include this province in the Treaties they shall make with the said Indians & to assure them on our behalf that it is our firm Resolution to fulfil every Article of the peace so lately renewed between us and them

Tuesday Iuly the 3d Lib. X.

Post Meridiem

Present in Council

The Honble Charles Calvert Esqr Govr

the honble { Col° William Holland, Col° Samuel Young, James Bowles Esqr } Members of his Lordships Council & of the Upper House of Assembly

Pursuant to the resolution of this Board yesterday the writ of prorogation reciting the writt of election and directed to the high Sheriff of Ann Arundell County was publickly read in the Council Chamber in the presence of Col° William Holland Col° Samuel Young and James Bowles Esqr members of the upper house and of Thomas Humphreys and Daniel Dulany Esqrs and Thomas Bordley and Iohn Beale Esqrs members of the Lower house of Assembly

Which writt follows in hæc Verba vizt

Maryland sst

Charles Absolute Lord and Proprietary of the Provinces of p. 45
Maryland and Avalon Lord Baron of Baltimore &c to our trusty and well Beloved the members of our upper and Lower houses of Assembly Greeting Whereas by our writs of election bearing date the 22d day of April last we Commanded Authorized and Impowered the Sheriffs of our several and respective Counties within this province upon Receipt of the same writs to call together three or more Iustices of the respective Counties one to be of the Quorum with the Clerk of the County Court who were by those Writts required to sit as a Court and during their sitting the said Sheriffs by virtue of their Office to make or Cause to be made publick proclamation thereby Giving notice to the Freemen of the several Counties who had within such Counties freeholds of fifty Acres of Land or were residents and had visible estates to the Value of Forty pounds Sterling at the least thereby requiring them to appear at the several Court Houses at Certain days not less then ten days after such proclamation made for electg and choosing deputies and delegates to serve for the said Several Counties in a General Assembly to be holden at Annapolis the third Tuesday of Iuly Instant and that in Obedience to the same writs the Freemen of this provce have accordingly elected and chosen their several Delegates and Representatives but because there are no Emergent Affairs to be laid before the General Assembly that render the meeting thereof absolutely necessary at the time mentioned

Lib. X. in the said Writs and that the Season of the year requires that the members that Compose the same should attend their own private Affairs which might suffer much in their absence And that there will be a necessity of their meeting in three
p. 46 or four months and because we are willing as much as in us lyes to save publick Charge which will be Greatly encreased by the meeting of the Assembly at the time already mentioned and for certain other Causes and Considerations us thereunto moving we have thought with the advice of our Council to prorogue this Assembly to the second Tuesday of October next and by these presents we do prorogue the same Accordingly when and where we will and require that the several members of the Upper and Lower Houses of Assembly meet to Consent and Agree to those things which then and thereby the favour of God shall happen to be Ordained and to the end that all persons may have due and timely Notice hereof we strictly Command Our Several Sheriffs within this province that they without delay publish this our writt in the most publick places of their respective Counties whereof they are not to fail at their perill In Testimony whereof we have made this writ patent Witness our trusty and well Beloved Charles Calvert Esqr our Captain General and Governor in chief of our said Province and Territory of Maryland this 3^{d} day of Iuly in the seventh year of our dominion &c Annoq Domini 1722 Cha Calvert

{ The Great Seal of Maryland }

At a Council held in the Council Chamber in Annapolis Iuly the 18th 1722

Present in Council

p. 47 The honourable Charles Calvert Esqr Governor

the honble { Col^{o} Samuel Young, Col^{o} Richard Tilghman, Col^{o} M T Ward, James Bowles Esqr }

Marcus Andrews having been committed by the Justices of Somerset County to the Custody of Mr Robert Martin high Sheriff of said County in Order to be brought before this Board to be examined touching a Complaint made against him for having sold or otherwise disposed of an Indian Boy a Son of one of our Friend Indians appears and being examined touching said Complaint confesses that an Indian Boy named

James did in Consideration of five Pounds in hand paid a Horse Bridle and Saddle and two Suits of Cloaths, indent to live with him the said Andrews as a Servant for the term of thirty years and that he sold the said James to a Gentleman in Philadelphia named Nicholas (his Sir Name he dos not remember) for the sum of fifteen pounds, the said Andrews further says that it is a Customary thing in Ackamack in Virginia for the Indians to work among the Inhabitants and to indent with them for a Time or Term of years, and that he had indented with the said Iames in Virginia not in Maryland, and that he did not then nor does he yet know whether the said Indian Boy belonged to the Indian Congee who claimed him or not Lib. X.

And it appearing to this honble Board that he the said Andrews since his Commitment had not only Satisfied the said Indian Congee but also the King and chief men of the nation to whom the said Indian Boy did Belong and also that he had already suffered upwards of three Months Imprisonment it is their Opinion that the said Andrews be dealt the more mildly with therefore p. 48

Resolved by the Governor and Council present that the said Marcus Andrews be fined for his Offence af^d in the sum of five hundred pounds of Tobacco to his Lordships use and imprisoned in the publick prison at Annapolis for the space of one day and the said Andrews is accordingly Committed to the Custody of the Sheriff of Ann Arundell County

Memd these proceedings to be laid before the next Council there being but few of the Council present

At a Council held in the Council Chamber at Annapolis on Thursday October 11th 1722

Present in Council

The honourable Charles Calvert Esqr Governor

the honble { Col^o William Holland, Col^o Samuel Young, Col^o Richard Tilghman, Col^o M T Ward, James Bowles Esqr, John Rousby Esqr } Members of his Lordships honble Council

According to a Resolution of Council held at Annapolis in the Council Chamber the 18th day of Iuly last past the proceedings of the said Council being laid before this honble

Lib. X. Board and read are approved of by the members of his Lordships honble Council now present

At a Council held at the Council Chamber at Annapolis Octr 20th Saturday 1722

Present in Council

p. 49 The honourable Charles Calvert Esqr Govr

the honble { Thomas Brook Esqr, Col^{o} William Holland, Col^{o} Samuel Young, Col^{o} Thos Addison, Philemon Lloyd Esqr, Col Richard Tilghman, Col^{o} M T Ward, James Bowles Esqr }

The Choptank Indians being sent for and examined upon what Account they came over at this time to Annapolis declare by William Monk their Interpreter that they Came to Complain of Isaac Nichols who had bought Land of them for twenty pounds Current Money and twenty Gallons of Rum but who had wrong'd them of part of the Money; they came likewise to Complain of Mr Howell who would have his Land without paying for it, and Captain Trip, John Anderson, Philemon Lecount Iames Foulks William Foulks and John Forster who refused to pay rent to the Indians, though they livd or had Quarters on their Land, and finally of Doctor Murray who had bought Land of William Monk Above six years since and had not paid for it the same of Govert Lockerman

Upon hearing these several Complaints and taking them into Consideration the honble Board acquaint the Indians by their Interpreter that all those who have bought Lands on the other side of Choptank River shall be Compelled to pay the Indians but that they must not sell Land on this side of the River and that their other Grievances should be Redressed but that in Consideration thereof and of their having their
p. 50 Lands Secured to them by the Lord proprietor they are to pay to his Lordship six Beaver Skins yearly as an Acknowledgment to the Conditions the Indians Consent

Then the Asseteque and Pocomoke Indians are sent for and being asked what Complaints they had to make they answer by Edmund their Interpreter that the English live on their Land without their Consent and say they will do so whether they will or no that particularly Iohn Parker did so and that

there were seven others who lived in the same manner on Lib.
their Land viz[t] William Whittington Hester Whittington William Sanders Rowland Bevins Joseph Houlston James Taylor and George Nicholson

They are thereupon told that their Grievances shall be redressed but that they must pay the Lord Proprietary one Bow and Indian Arrows as an acknowledgm[t] for their Land

At a Council held at Annapolis in the Council Chamber on Thursday October 25th 1722

Present in Council

The honble Charles Calvert Esq[r] Governor

the honble { Col[o] William Holland, Col[o] Samuel Young, Col[o] Thomas Addison, Phile: Lloyd Esq[r], Col[o] Richard Tilghman, James Bowles Esq[r] }

The pocomoke and Assetegue Indians were again called in and Articles of peace Concluded between his Honour the Govenor on behalf of the right honble the Lord Proprietary and Wasseunge King of the Pocomoke Indians and Knosulm King of the Assetegue Indians

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At a Council held in the Council Chamber at Annapolis p. 51
November the 1st being Thursday 1722

Present in Council

His Honour the Governor

the honble { Col[o] William Holland, Col[o] Samuel Young, Col[o] Thomas Addison, Phile: Lloyd Esq[r], Col[o] Richard Tilghman, Col[o] M T Ward, James Bowles Esq[r] }

The petition of John Navane was read praying that his Account for entertaining Betty Caco Queen of the Choptank Indians and her Attendants may be allowed him Ordered that the petition be endorsed and recommended to the Upper House of Assembly

Lib. X.

Friday November the 2d 1722

Present the same as Yesterday

The evil Consequences of the Shuanuo Indians entertaining our Runaway Negro Slaves having been represented to the Board it is thought proper to prevent those evil Consequences for the future to invite the said Shuanuo Indians into a treaty of Friendship and Amity with this Government and to the Intent that these Resolutions be put in practice as soon as possible Charles Anderson an Indian Trader then in Town by Order of the Governor and Council was sent for and on his appearing the following instructions were Given him in Writing viz[t]

Instructions for Charles Anderson who is hereby Impowred and Authorised by the Governor and Council to treat with
p. 52 the Shawans Indians for entring into Articles of Friendship and Amity with them and for their surrendering up to this Government certain Negro Slaves who for some time past have been entertain'd at their Towns upon Potomack River

Imprimis.

You Charles Anderson by the appointm[t] of the Governor and Council of this province are to repair unto the Shawan Town upon Potomack with all Convenient speed and there to call together Pockaseta and Oneakoopa and make them the present to each of them of a Stroud Match Coat and a pair of Silk Stockings on Behalf of the Lord Baltimore and Charles Calvert Esq[r] present Governor of this province as a token of their Love and Friendship for their Nation of Indians and as an Earnest of our desire to live with them as Friends and Brethren which we shall be willing to demonstrate to them by further presents to be made to themselves and their other great men when they shall come down to see our Governor at Annapolis and there enter into such Articles of peace and friendship as shall be thought necessary for creating a Good Correspondency between this Government and the Shawan Indians who will find our Governor to be ready to shew himself a Friend & Brother to them

2 If those Indians will receive the presents and promise to come down to Annapolis and enter into such Articles of peace as are above proposed that then you appoint the middle of the month of April to be the time that the Governor and Council will be ready at Annapolis to receive them as Friends and Brethren to make such Articles of peace and
p. 53 Friendship as shall be thought necessary for laying the

Foundation of a Trade with them for the time to come and use them as good Friends and Brethren by making such a Chain of Friendship between us as shall be kept bright so long as the Sun and Moon shall endure Lib. X.

You must be sure to make them understand how many months and days it is to the said middle of April

3 That as soon as you perceive an Inclination in those Indians to Surrender up the Negro Slaves that are now among them unto the English that you propose to them that such of their Indians as will bring them down to Annapolis shall there receive for every such Slave two Stroud Match Coats & One Gun

4 That as this Government sent to the said Pockaseta and Oneeacoopa a Stroud Match Coat and a pair of Silk Stockings unto each of them as a token of our desire of living as Friends and Brethren with them so let those Indians know that if they will send down those Negro people that have lived among them for the Reward of two Strouds and a Gun as af^d we shall look upon the same as a token of their desire to become our Friends and to live as Brethren with us

At a Council held in his Honour the Governors House on Sunday November the 4th 1722

Present in Council

The honourable Charles Calvert Esqr Governor

the honble	Col^o William Holland Col^o Samuel Young Col^o Thomas Addison Col^o Richard Tilghman Philemon Lloyd Esqr Col^o M T Ward James Bowles Esqr	and James Lloyd Esqr and Benj Tasker Esqr Councillors elect

His Honour the Governor acquaints the Board that his Lordship the Lord Proprietary had by his Letter appointed James Lloyd Esqr and Benjamin Tasker Esq members of his Lordships honble Council and that they are now attending in Order to their Qualification p. 54

Whereupon the said Iames Lloyd and Benj^a Tasker Esqr take the several Oaths to the Government appointed by Law and likewise the Oath of a Councillor and severally subscribe the Oath of Abjuration and test and then take their places at the Board accordingly

Lib. X. Several Depositions of Samuel Brice of New Connaught Charles Alleyn of Talbots Mannor Edward Lang of New Connaught and Daniel Smith under Maryland Government were read at the Board Complaining of the Encroachments of the Pennsylvanians in particular that Isaac Taylor and Elisha Gatchel with William Brown John Churchman Richard Brown Roger Nerck and Isaac Taylors Son in Company did run out their Lands and threatned to take their plantations from them if they refus'd to come under the Pennsylvania Government, which to save them they were Obliged to do; The honbłe Philemon Lloyd at the same time informed the Board that the people af[d] in Consequence of their submission to the Pennsylvanians had rejected his Lordships Government and refused to pay the Sheriff

And upon putting the Question where the said Taylor and Gatchell should be prosecuted for their Offence whether in Cecil County Court or in the provincial Court it is the opinion of the Board that they be prosecuted in the Provincial Court and that they be bound over to their Appearance therewith two sufficient sureties they in an hundred pounds
p. 55 Sterling each and the Sureties in fifty pounds Sterling each and that the evidences be bound over likewise at the same time in ten pounds each

Upon putting the question how the Sheriff should proceed with Relation to the execution of his Office it is the Opinion of the Board that the Sheriff collect the Taxes of all persons who usually were deem'd Taxables and who formerly paid taxes to this Government in particular New Connaught and Talbots mannor but that he be Cautious with respect to New Munster that being a Case as yet Undecided

His Honour the Governor having acquainted the Board with the Scarcity of powder and want of Arms for the publick use

Ordered that Col° Samuel Young Treasurer of the Western Shore send to Great Britain for fifty half Barrels of powder and three hundred Fire Arms such as his Honour shall think fit And also further Ordered that the said Col° Young and Benjamin Tasker Esq[r] agree with a Workman to make a new platform for the Guns and to drill them if practicable and stop up the old Touch Holes

The honbłe Philemon Lloyd having acquainted the Board with the advantage which might Accrue to his Lordships Government if a Correspondence were setled and Cultivated between this Province and the Conestogoa Indians Ordered that an Order of Council be made out to impower Esq[r] Lloyd to cultivate such a Correspondence for the Benefit of his Lordships Government

At a Council held at his Honour the Governors House on Saturday January the 5th 1722 Lib. X. p. 56

Present in Council the honble Cha: Calvert Esqr Govr

the honble { Colo Samuel Young, Colo Thomas Addison, James Bowles Esqr, Benjamin Tasker Esqr, Philemon Lloyd Esqr, Colo Tilghman, Colo Ward }

His Honour the Governor having ask'd the Opinion of the Board what time was proper to prorogue the Assembly to he having nothing of moment to lay before them in february next, they are of Opinion that the first Tuesday in May being the 2d day of that month is a proper time to prorogue them to with which his Excellency Concurs

Ordered that proclamation issue for that purpose

Maryland ssr

By the Honble Charles Calvert Esqr
Capt Genl and Lieut Governor

A Proclamation

Whereas this present General Assembly stands prorogued to the 12th day of February next, and whereas there is no Business of moment which requires their Attendance at that time I have thought fit with the advice of his Lordships Council of State further to prorogue the same and I do hereby further prorogue the same and I do hereby further prorogue the same to tuesday the second day of April next p. 57 and to the Intent that all persons concern'd may have due notice thereof I do strictly require and Command the several Sheriffs of this Province to make this my proclamation publick in their respective Counties in the usual Manner as they will answer the Contrary at their perill Given at Annapolis this 19th day of January in the eighth year of the dominion of the right honble Charles Absolute Lord and proprietary of the provinces of Maryland & Avalon &c Annoq Domini 1722

Cha Calvert { The Great Seal of Maryland }

His Honour the Governour having acquainted the Board with several Inchroachments of the Pennsylvanians and particularly that Isaac Taylor and Elisha Gatchell had run out

Lib. X. several Lines in this province and threatned Several persons as appears by the proceedings of last Council to deprive them of their plantat^ns if they refused to submit to the Pennsylvania Government, and likewise that very lately they had taken up Mr Vanbebber the chief Iustice of Cecil County Court for no other Offence real or pretended than for running out some Lines in the wild forest, up and down the Branches of Apoquimineck Creek in order to discover the true Location of Saint Augustines Mannors Western Limits and asking the opinion and advice of the Board thereon it is the opinion and advice of the Board that proclamation issue to warn the Inhabitants of Cecil County and others Concernd of the pretensions and Incroachments aforesaid and that all persons Concernd take notice thereof at their perill

p. 58 Maryland ss^t

By the Lieutenant General

A Proclamation

Whereas at a Council held at Whitehall in London in the Reign of the late King James the Second it was ordered upon a supposition that the Tract of Land lying on the west Side of Deleware Bay had been inhabited and planted by Christians and Continued to be a distinct Colony from that of Maryland at and before the date of the Lord Baltimores pattent, that the tract of Land lying betwixt the River and Bay of Deleware and the eastern Sea on the one side and Chesopeak Bay on the other side should be divided into equal parts and that that part thereof lying towards Deleware Bay should belong unto his Majesty and that the other part lying on the west Side of a division Line drawn from the Latitude of Cape Henlopen unto the 40th degree of North Latitude should remain unto the Lord Baltimore as Comprized within his Charter as is expressly set forth in the Order of Council which for the greater Satisfaction of all persons whom it shall or may Concern is herewith made publick as followeth

At the Court at Whitehall the 13th day of November 1685

Present

The Kings most Excellent Majesty
His Royal Highness prince George
Lord Arch Bishop of Canterbury
p. 59 Lord Chancellor
Lord Chamberlain
Earl of Huntington
Earl of Bridgwater

The following Report from the right Honble the Lords of the Committee for Trade and foreign plantations was this day read at the Board Lib. X.

The Lords of the Committee for Trade and plantations having pursuant to his late Majestys order in Council of the 31st of May 1683 examined the matter in difference between the Lord Baltimore and William Penn Esqr in behalf of his present Majesty concerning the tract of Land in America commonly called Deleware their Lordships find that Land intended to be Granted by the Lord Baltimores pattent was only uncultivated and inhabited by Salvages and that this tract of Land now in dispute was inhabited and planted by Christians at and before the date of the Lord Baltimores pattent as it hath been ever since to this time and Continued as a distinct Colony from that of Maryland so that their Lordships humbly offer their opinion that for Avoiding further differences the tract of Land lying between the River and Bay of Deleware and the Eastern Sea be adjudged to belong to his Majesty and the other half remain to the Lord Baltimore as Comprized within his Charter Council Chamber 7th of November 1685

His Majesty well approving of the said Report it was thereupon Ordered by his Majesty in Council that the said Lands be forthwith divided accordingly whereof the said Lord Baltimore and William Penn Esqr together with their respective Officers whom it may concern are to take notice and give ready and due Obedience thereto p. 60

It is evident from the above Order how Grossly many people have erred in apprehending the Lands upon or near the Susquehannah to be any part of those Lands which are or ever were in difference between the Proprietors of Maryland and Pennsylvania for those disputable Lands according to the Letter and design of the Order in Council do lye towards Deleware Bay and the Eastern Sea only and are no part of those other Lands (not so much as pretended to be planted early by Christians) which lye towards the Susquehannah and by the order it self determined to belong unto the Lord Baltimore as Comprehended within his Charter nor is it any Longer to be doubted whether Maryland ought to extend Northerly to the 40th Degree of North Latitude seing that the Lands to the Southward of that Line and on the west Side of the Deleware have been heretofore that is on the 20th day of Iune 1632 Granted unto Cecilius Lord Baron of Baltimore in as express and positive terms as words can speak the design of the Grantor vizt unto that part of Deleware Bay which lieth under the 40th degree of North Latitude from the Equi-

Lib. X. noctial but to take away all Room for Cavil it is further described to be the very place where New England ended the Grant of New England at that day extending from the Northward unto the degree of forty in North Latitude as Maryland was extended from the Southward unto the same Line of 40 and left no Space of Land betwixt the two Grants Moreover the said Boundary so emphatically described was fifty three years afterwards confirm'd again unto the said Lord Proprie-
p. 61 tary of Maryland by the above Order in Council which appointed a division to be made of the Tract of Land between the two Bays unto the fortieth degree of North Latitude according to the Antient Charter of the province of Maryland thereby reserving to the Crown that Tract of Land then in dispute commonly called Deleware which must necessarily imply that those Lands reserved lay only upon the Deleware as appears by the late King Iames Claims when Duke of York and as the same was Granted by deeds of ffeoffment unto William Penn Esqr Viz^t one deed for all that Tract of Land upon Deleware River and Bay beginning at twelve Miles South from the Town of New Castle otherwise called Deleware and extending South unto the Whorekills otherwise Called Cape Hinlopen together with free and undisturbed use &c. and one other deed for all the Town of New Castle otherwise Called Deleware and all that Tract of Land lying within the Compass of twelve miles about the same scituate lying and being upon the river Deleware in America and all Islands in the said River &c which two deeds contained all the Lands then claimed by his Royal Highness when Duke of York and all the Lands upon the Score of Christian Settlements as was suggested by him Granted unto William Penn Esqr lying and being Scituate upon Deleware River and Bay as aforesaid it follows from thence that that portion of Land adjudged to belong unto his Majesty according to the division appointed to be made unto the 40th Degree of north Latitude can be no other Land than those very Lands lying upon or according to the Order in Council towards Deleware Bay thereby determining the other Lands lying to the Westward of the said Tract commonly called Deleware to be no part of the then dispute but to belong unto the Lord
p. 62 Baltimore as Comprized in his Charter Nor can it be of any avail to the pennsylvanians to say that his Lordships Ancestors have heretofore determined their Claim by an Eastern Line run from the mouth of Octerara Creek seing that it is in proof that his Lordships said Ancestors always claimed as his Lordship hereby doth now make his Claim in this publick manner unto the 40th degree of North Latitude as by the

sundry Observations taken by Charles late Lord Baltimore Lib. X.
will more fully appear viz[t] at the House of Robert Wade at Upland upon September the 24th 1682 where the Latitude of that place was found to be 39[d]..47..5 North that is almost thirteen miles Short of the Line of 40 North Latitude and again at the mouth of Octerara Creek upon September the 15th 1683 where the Latitude of the place was then found to be 39[d]..41..19 and nineteen miles and forty one seconds to the Southward of the 40th Degree of North Latitude which evidently disproveth the Ignorance or rather Corruption of such persons as have taken upon themselves to depose that the said Charles late Lord Baltimore did appoint an east Line to be run from the mouth of Octerara Creek to be a Northern Boundary of this province

These are therefore in his Lordships name and by and with the advice of his Council of this province to declare publish and proclaim unto all persons whom it may in any manner concern Notwithstanding the many pretensions and false Allegations of sundry persons ill disposed to his Lordships just Claims and Government that the Lands towards Chesopeak Bay and the Susquehannah of which the Township of Nottingham within the Limits of the Tract of Land commonly called Talbot mannor is a part ought in no wise to be taken or deem'd as any part of the Land in difference between p. 63
the proprietors of Maryland and Pennsylvania those disputable Lands lying all of them towards the Bay of Deleware and the Eastern Sea but that all the other Lands towards Chesopeak Bay and the Susquehannah together with all the Remaining Lands so as above by order of Council unto the 40th degree of North Latitude divided from the Land commonly called Deleware are positively and in express terms declared to be the Right of the Lord Baltimore and in the same order Adjudged to be Comprised within his charter and consequently no part of that Exception which was taken to the Charter of Maryland upon a pretence that certain Lands upon the Deleware were inhabited and planted by Christians at and before the date of the Grant thereof all which will plainly appear to persons of the meanest Capacity after having duly Considered the Letter and design of the within order of Council tho made altogether in favour of the proprietor of Pennsylvania of which all persons are to take notice at their perill and to the end that his Lordships proclamation should be made publick the Sheriff of Cecil County is hereby Commanded to publish the same in the usual and most noted manner Given at the City of Annapolis this 21st day of January in the eighth year of the dominion of the right honble

Lib. X. Charles Absolute Lord and Proprietary of the Provinces of Maryland and Avalon &c Annoq Domini 1722

The Great Seal of Maryland

At a Council held at Annapolis in his Honour the Governors House on Wednesday February the 27th 1722

Present

The Honourable Charles Calvert Esqr Governor

the honble { Colo Samuel Young, Philemon Lloyd Esqr, Colo Richard Tilghman, James Lloyd Esqr, Benja Tasker Esqr }

His Honour the Governor acquainted the Board that he had nothing of moment to lay before the Assembly to be held on Tuesday the 2d day of April next and then ask'd the Advice and Opinion of the Board whether it would not be proper to prorogue the same to some further time and what time they would think Convenient to prorogue them to

Upon Consideration of the Board are of Opinion that it is proper to prorogue the Assembly to some further time and that Tuesday the 2d day of July is a convenient time to prorogue the same to that being a Season free from Courts and other publick Business

Thereupon Ordered that proclamation issue to prorogue the present General Assembly to Tuesday the 2d day of July next

Maryland ss:

By the Honble Charles Calvert Esqr
Captain General &c.

A Proclamation

p. 65 Whereas this present General Assembly stands progued to Tuesday the second day of April next and whereas there are no Affairs of moment to be laid before them which requires their meeting at that Time I have thought with the advice of his Lordships Council of State further to prorogue the same and I do hereby further prorogue the same to tuesday the second day of Iuly next and to the intent that all persons concernd may have due notice thereof I do strictly require and Command the several Sheriffs of this province

to make this my proclamation publick in the usual manner as they will answer the Contrary at their perill Given at Annapolis this 6th day of March in the 8th year of the dominion of the right honble Charles Absolute Lord and Proprietary of the provinces of Maryland & Avalon &c Annoq Domini 1722 Lib. X.

Cha { The Great Seal of Maryland } Calvert

The petition of Peter Wild of Queen Anns County praying that John Wild Nephew to the petitioner be removed from the Custody of Daniel Delahuntee and Mary his wife his present Tutors and placed with Peter Wild the petitioner who will take care to educate him in the protestant Religion as established by Law in the Church of England he being in danger of being perverted to popery by them was read and ordered to be thus endorsed vizt

By the Governor and Council February the 27th 1722

Read and Ordered that the within named John Wild be removed from the Custody of Daniel Delahuntee and Mary his Wife his present Tutors and the said Peter Wild is hereby Ordered to take the said John Wild into his care According to the prayer of the within petition p. 66

Sign'd p Order
Samuel Skippon Cl Council

At a Council held at the Governors House March the 2d 1722

Present

The honble Charles Calvert Esqr Governor

the honble { Colo William Holland, Colo Samuel Young, Colo Thomas Addison, Philemon Lloyd Esqr, Colo M T Ward, Colo Richard Tilghman, James Lloyd Esqr, Benja Tasker Esqr }

Lib. X. His Excellency laid before this Board a paper entituled A plain view of all that has been done or publickly talked for these twenty years last by past concerning the Boundaries of the Provinces of Maryland and Pennsylvania which paper was Ordered to be read and is as follows

p. 67 Although it be certain that the Northern and Southern Boundaries of the said provinces respectively have not as yet been fixed or determined by any mutual Consent or Agreement of both the Proprietaries we are nevertheless inform'd with Great Assurance (some of the persons present being yet alive or lately were so) that so soon as Charles Lord Baltimore found that the Crown had made a Grant of the Province of Pennsylvania to the late Mr Penn his Lordship thought it Convenient for him to fix the Northern Limits of his Province of Maryland and accordingly in the year 1682 being accompanied with his Surveyor General divers Commanders of Ships and Several Gentlemen of Maryland his Lordship came up Chesopeak Bay to Susquehannah River with a Large Instrument for Astronomical Observations and fixed the said Limits as he thought fit himself at or near the mouth of Octaroe River, and from thence Caused an Easterly Line to be run by his Surveyor Gen[l] unto the River Deleware, from that time it was universally Believed in Maryland that the Boundaries of that Province were limited to the Northward by the said Easterly Line from the mouth of Octeraroe River, for in the year 1700 when Mr Penn was travelling from Below Annapolis to visit the Indians at Conestogoe being out of respect to his Character waited upon by divers Gentlemen Magistrates and others of the Northern parts of Maryland these Gentlemen made a Stop in the Ford of Octararoe River telling Mr Penn they had now accompanied him into his own Province and therefore desired to take their Leave but he answered he hoped they had been already in Pennsylvania long before they came to that place, all which

p. 68 expressions can be very well attested by witnesses still Living who were in that Company During Mr Pens last stay in America viz[t] in the years 1700 and 1701 the Government of Maryland was then in the Crown and the Inhabitants of the two Provinces were seated so far remote from each other that there was no Occasion to talk of the Boundaries with any earnestness or Contention but soon after Mr Penns departure for England some persons of Chester County in Pennsylvania applied themselves to those called the Commissioners of Property whom Mr Pen had left in trust with his Proprietary Affairs for a Grant of that Tract of Land now called Nottingham which then appearing to be Considerably to the

Southward of any Settlement yet made by Pennsylvania the Lib. X.
said Commissioners of Property at first refused the Grant lest it might occasion misunderstandings and disputes between the two Governments but the parties concernd having repeated their application with great Importunities did at last with the Assistance of Henry Holingsworth then Surveyor for Chester County prove to the Commissioners that the whole Tract of Nottingham by them demanded and afterwards possesd lay to the Northward of that Line from the Mouth of Octeraroe which the said Char Lord Baltimore himself had fixed as his Boundary to the Northward, and some of the Commissioners themselves being of the number of those who had accompanied Mr Pen from Maryland to Conestogoe in the year 1700 as is above related and very well remembering the above mentioned particular expressions which passed between Mr Pen and the Gentlemen of Maryland at Octeraroe Ford they
Could not but think themselves as they still do very safe and p. 69
Iustifiable at that time in Granting the said Tract of Land which was immediately setled by a Considerable number of people from Chester County af^d without any molestation or Objection from Maryland whatsoever but as the Successful and speedy improvem^t of the Pennsylvanians at Nottingham doubtless gave some Cause of Envy upon which the late Mr Charles Carrol then Agent for the Lord Proprietary of Maryland procured as it is said a very large Quadrant to be sent from England in Order to take a more exact Observation of the Latitude thereby to extend further if possible the above mentioned Northern Limits of that province a very great Noise was made about some Observations that had been endeavoured to be taken by the said Mr Carrol at the Head of North east River from which he pretended to extend the Northern Boundaries of Maryland considerably beyond what either the said Charles Lord Baltimore had himself fixed or any person in his Behalf had ever as yet Claimed

But the said Astronomical Observations being as it was supposed sent by Mr Carrols Order to James Logan Agent for Mr Pen at Philadelphia as being a person not unskilled in such matters Mr Logan very carefully examined the performance but found them so much out of the way even in the Calculation of the Suns Declination as varied their work at least ten minutes which Mr Logan by a Letter under his hand to Mr Carrol offered to prove by repeating the Observation with the same Instrument under the penalty of forfeiting its Value

Lib. X. It was after this the Iustices of Cecil County took Occasion
p. 70 to extend the Claims of their County and to lay their Taxes on the pennsylvanians setled at Nottingham but the people Conscious of their being seated there by sufficient rights from Mr Pen with due Caution to keep to the Northward of all former Maryland Claims according to the Lord Baltimores own fixed Bounds and determination they could not on pretences merely taken from the above mentioned false and partial Observations be perswaded to quit their rights and sue for new Titles to others whose right of Granting them appeared at best not to be less disputable

During these disputes several Letters pass'd between Mr Pens Commissioners of property and the late Mr Charles Carrol Agent for Maryland and for preventing all misunderstandings and to preserve peace and Good Neighbourhood until such time as the Line in dispute could be mutually agreed upon and setled by both proprietaries the pennsylvania Commissioners assured Mr Carrol not only that they never had Granted but even Obliged themselves not to grant with their Knowledge any Lands to the Southward of the aforesaid Line run by the late Charles Lord Baltimore himself and it was purely in order to keep and preserve this promise that Colo French of New Castle some time last spring was directed without Instruments Chain Hatchet or the least Mark of any Intention to Survey as the Justices of Cecil County falsly alledged to walk with one other single person along with him only with a Compass in their Hand from the mouth of the River Octararoe aforesaid Eastward so that from
p. 71 the said Colo French's Report the Commrs might be with more Certainty enabled to perform exactly their promise made to Mr Carrol as aforesaid

On the other hand in the year 1718 some persons thô of Rank in Maryland yet being led intirely by Gain without any Regard to Iustice or the publick peace did take upon them actually to make Surveys of very considerable Tracts of Land as high at most as Conestogoe in the province of pennsylvania and above thirty miles North of all former Claims of Maryland of which Complaint having been made to Colo John Hart then Governor of Maryland and his Excellency having likewise Complained of some Regulations which had been made amongst the pennsylvanians at Nottingham by William Keith Esqr Governor of that province an interview was appointed between both the Governors at Colo Hynsons House upon the Eastern Shore in Maryland where they met accordingly towards the latter end of October and the Minute of that Conference taken by Consent of both parties is as follows

At a Meeting between the Governors of Maryland and Pennsylvania held at Colº Hynsons House the 28th day of October 1718 Lib. X.

Present

His Excellency Colº Hart
The honble Wm Keith Esqr } Governors

Colº Thomas Smith
Colº Nath Hynson
Colº John French
Major Iames Harris

His Excellency Colº Hart produced several Complaints which had been made to him from the Magistrates and others p. 72 of Cecil County in Maryland relating to the settlement at Nottingham and they claiming the said settlement to be within the Iurisdiction of Maryland it was Observed that Governor Keith in his last Commission of the peace for the County of Chester in pennsylvania had appointed Magistrates for the Township of Nottingham on supposition that the said Township was within the Iurisdiction of the said County of Chester his Excellency therefore in Behalf of my Lord Baltimore and in defence of his Lordships just right sets forth that the said Township of Nottingham had frequently been taxed by the Magistrates of Cecil County that a Great part of the Inhabitants of Nottingham had petitioned him to take them under the protection of my Lord Baltimores Government and that as he was really convinced from several Records and other proofs that the Scituation of Nottingham aforesd was unquestionably within the Bounds of my Lords Grant from the Crown he could not but insist upon it that Governor Keith would be pleased to withdraw his said Commission for Iustices of the peace at Nottingham and all other Marks of Jurisdiction of pennsylvania there Colº French who from his long Residence in that Neighbourhood was perfectly well acquainted with the Settlement at Nottingham said that about sixteen years ago the said Settlement was by proprietor Pens Order Surveyed and laid out into Lots four of which he had reserv'd to himself and Granted most of the rest to the Respective setlers by regular warrants which was the only pretence of right whereby they now hold them that they had always from the Beginning of their Settlement sued and had been sued as p. 73 Inhabitants of the County of Chester in Pennsylvania and that until the Great dispute about the Division Line between my Lord Baltimore and Mr Pen could be perfectly adjusted he humbly Conceived there was only one Rule to be tacitly observ'd in the mean time in order to preserve the publick peace and make all parties easy (vizt) that wheresoever per-

Lib. X. sons where found to be seated on or near the Boundaries in question if they held their Lands by any warrant or right from my Lord Baltimore they ought not to be molested or disturb'd with any pretence of Iurisdiction from Pennsylvania and on the other hand those who held their Lands by rights formerly Granted from Mr Penn should likewise be permitted to remain under the Government of Pennsylvania until by a proper Authority the Division Line between the two Gov^ts^ be run

Governor Keith hereupon assured his Excellency that this was the very Rule which he had hitherto carefully Observ'd in Consequence whereof the Settlement at New Munster adjoining to Nottingham whose Inhabitants mightily desire to be protected by Pennsylvania and which Governor Keith has Great Reason to believe is within the Bounds of Mr Penns Grant yet because their Lands were held at present by rights from Maryland he would not hearken to their Desires nor suffer any of his Officers to molest them

Governor Keith further Observed that to proceed in this manner wou'd effectually preserve the peace amongst his Majestys Subjects and could not possibly in any sort prejudice the right of either proprietor hereafter to be determined with
p. 74 great Respect therefore to my Lord Baltimore & a just Esteem of his Excellencys Conduct and diligent Care in the Government under his direction Mr Keith humbly requests that his Excellency will be pleased to Concur with him in the passive measures proposed until either by powers or directions from England both his Excellency and Mr Keith are sufficiently enabled or advised to proceed otherways

His Excellency continuing very much to insist upon Mr Keiths recalling those Commissions at Nottingham Governor Keith begg'd to be excused from giving any other answer at this time until he had an opportunity to advise with his Council so the matter was at present referred to the further Consideration of the respective Governors and the Councils of both provinces

Upon reading the paper above mentioned the Board Observ'd that the Compiler of the said paper laid great Stress upon the Character and Knowledge of those Gentlemen Magistrates and others of the Northern parts of Maryland who are therein said to have waited upon Mr Penn in the year 1700 as he was travelling from below Annapolis to visit the Indians at Conestogoe and being inform'd that the honble John Hall Esqr a member of this Board was one of those Gentlemen who met Mr Penn and waited upon him at Susquehannah they gave directions that an order of Council should issue directed to the chief Iustice and the rest of the

Justices in Baltimore County to take the deposition of the said John Hall Esqr relating to those matters in Pursuance whereof the following order of Council was made out and sent vizt Lib. X. p. 75

By the Governor and Council March the 2^d 1722

It being pretended in a paper (intituled a plain view of all that has been done or publickly talkd for these twenty years last by past Concerning the Boundaries of the provinces of Maryland and pennsylvania) that divers Gentlemen Magistrates and others of the Northern parts of Maryland waited upon Mr Penn out of respect to his Character in the year 1700 as he was travelling from below Annapolis to visit the Indians at Conestogoe and that they stop'd in the Ford of Octeraroe River telling Mr Penn they had now accompanied him into his own province and therefore desired to take their Leave you are hereby Ordered to take the deposition of John Hall Esqr as to his Knowledge of those matters whether any such Gentlemen Magistrates and others of the Northern parts of Maryland waited on Mr Penn that year and who they were and whether they stop'd in the Ford of Octeraroe River as is pretended and told Mr Penn what is above specefied

Signd ꝑ Order
Samuel Skippon Cl Concil

Directed to
The worshipful Col^o James Maxwell and the rest of his Brethren the Iustices of Baltimore County

It being also pretended that my Lord Baltimore had fixed the Northern Limits of Maryland at or near the mouth of Octeraroe River and from thence caused an easterly Line to be run by his Surveyor General to the River Deleware the Board observ'd that no proofs appeared of any such Line Run but on the Contrary that it is evident that his said Lordship had taken Observations at Uplandt in the year 1682 and that Major Sewall accompanied his Lordship when the said Observations were taken and thereupon Ordered that Major Nicholas Sewalls Deposition be taken relating to the Observations taken at Uplandt by Charles late Lord Baltimore in the year 1682 p. 76

It being also pretended in the said plain view that the Inhabitants of Chester County planted and setled Nottingham without any molestation or Objection from Maryland whatsoever till such time as Mr Charles Carrol late Agent for the Lord proprietary of Maryland envying (as is said the Improve-

Lib. X. ments of the pennsylvanians) endeavoured to take some Observations at the head of North east River by a very large Quadrant he had newly procured from England which Observations Mr James Logan Agent for Mr Penn examined as is there said and found very defective which he offered to prove by a Letter under his hand to the said Mr Carrol & it being also said that during those disputes several Letters passd between Mr Penns Commissioners of property & Mr Carrol aforesaid

Ordered that Mr Charles Carrol be desired to lay all such publick papers both Letters and Answers as passd between the late Charles Carrol Esqr his Lordships late Agent and Mr James Logan and Mr Pen's Commissioners of property during his Agency

His Excellency acquainted the Board that he had by Letter appointed to meet Sir William Keith at New Castle on the 10th day of March Instant but that by Letters from England
p. 77 since that he is acquainted that Instructions from his Lordship are preparing there shortly to be sent over relating to the subject of their meeting whereupon his Excellency desired the opinion of the Board whether he should proceed in that Journey or defer it till those Instructions come to hand, the Board taking the matter into their serious Consideration are humbly of opinion that it is not advisable that his Excellency proceed in said Iourney now and his Excellency is thereupon desired to defer it till those Instructions are Come.

His Excellency at the request of Mr Nicholas Lowe his Lordships Agent laid before this Board two instructions of his Lordships One Instruction 12 to Mr Bennet Lowe his Lordships late Agent the other Instruction 8 to himself which are as follows vizt

Copy his Lordships 12th Instruction to Mr Bennet Low vizt

And whereas we have impowered you to let and lease forth lives or one and twenty years our Mannors on the the Eastern Shore (Ann Arundell only excepted) and we having Reason to believe that Application will be made to you for a Lease or Leases of some part or parts of our Mannor of Susquehannah formerly forfeited to my Grandfather by Colo George Talbot you are required before you make any Lease or Leases of any part thereof to Consult Mr Philemon Lloyd and if his Objections are removed concerning which my Secretary Mr Lowe has wrote to him you may then lease out any part or parts thereof on the usual Conditions as is directed by my 7th Instruction but you shall except out of such Leases all

Mines of Gold Silver Copper and Tin to me my heirs and Lib. X.
Successors

Copy his Lordships 8th Instruction to Mr Nicholas Lowe p. 78
vizt

Whereas by our 12th Instruction formerly sent your Brother Bennet Low he was particularly directed before he made out any Lease or Leases if any part of the Susquehannah Mannor formerly forfeited to the Proprietary by Colo George Talbot to Consult Mr Philemon Lloyd, my Will now is that no Lease or Leases be made thereof without my further Orders having some thoughts to grant out the Inheritance of some parts thereof to the people that are carrying on the Iron Works thereabouts You are therefore as soon as possible to send me as good an account as you can of the Value of those Lands by the Acre which I hear is considerable that I may know the better on what Terms to dispose of them tho in the mean time I would not have the expectation of the people in the least baulk'd that the said Lands will be shortly parcell'd out by Lease to such persons as are willing to pay reasonable Considerations for the same

After reading the aforesaid Instructions his Excy acquainted the Board that Mr Nicholas Lowe desired their Advice and Opinion how he should act with Reference to those Instructions there having been several Leases made out tho not yet delivered and several Surveys return'd pursuant to the form of those Instructions

The Board taking the same into their Consideration are of opinion notwithstanding the prohibition in his Lordships latter instruction that it is expedient according to his Lordships own p.
sense of it in the Close of that Instruction that he would not have the expectation of the people in the least Baulk'd that such persons as have been at the charge to have their dividends surveyed and Certificates of them returned have their Leases Confirmed to them because it may be of very evil Consequence to his Lordships Interest to discourage those who have thus qualified themselves for Leases and may provoke them to comply with the Pennsylvanian Government, and create a general dissatisfaction among the people in those parts to his Lordships Great prejudice

His Excellency laid before the Board an extract of Proceedings of a Council held at Philadelphia the 5th day of November 1722 which was read and Ordered to be entred and is as follows vizt

Lib. X. At a Council held at Philadelphia the 5th day of November 1722

Present

The Honble Sir William Keith Baronet

Richard Hill	Robert Asheton
Isaac Norris	Thomas Masters
Sam[l] Preston	Andr. Hamilton

I Logan

The Governor acquainted the Board that having made it his Care from his first Accession to this Government to preserve a perfect good understanding with all our Neighbours and particularly with Maryland the Measures Concerted with
p. 80 that Government notwithstanding the unhappy uncertainty of our Boundaries had proved so successful that till some warm and Angry Steps were made last winter by some Magistrates of Cecil we had lived very friendly with them that further in Iune last these Magistrates had very unkindly made Prisoners of Isaac Taylor the Surveyor a Magistrate and Member of Assembly for the County of Chester and Elisha Gatchell another Magistrate of the same that those two persons having engaged to appear at Cecil Court in August last when the Governor was Obliged to undertake his Journey to Albany he sent an express to his good Friend the Governor of Maryland to have that matter accommodated but all the Resolution taken in it as he finds since his return by the Report of James Logan and Robert Asheton whom he had desired to wait on that Governor at Cecil Court was that those two men should be bound over to the Provincial Court at Annapolis which they were pleased at length to respite on account of his absence on that important Iourney that he had since wrote to Col[o] Calvert requesting that all those differences might lie over as they were till both Governors could in person adjust them which he had proposed to Col Calvert to do by a Conference if that Gentleman would be pleased to meet him that three days ago he had received a Letter from Col[o] Calvert dated the 18th of last month now read to the Board by which it manifestly appears that tho that worthy Gentleman cannot forget his Character and innate Goodness yet some Councils seem of late to be entred on Maryland inconsistent with the Tranquillity of his Majestys Subjects in both Governments the Governor therefore desires the opinion and advice of this Board what measures may be most proper for him to take for
p. 81 preventing the fatal Consequences of a General misunderstanding with such near Neighbours with whom we have hitherto happily lived in good Friendship

The Board thereupon taking the premises seriously into Lib. X.
Consideration humbly offer it as their opinion that as the Boundaries of Maryland and Pennsylvania upon each other have from the first Settlement of the Latter appeared disputable and yet such Amicable Measures have hitherto been Concerted between the Governments of both that the peace till very lately has been preserved with that good understanding which is requisite between Neighbours Subjects of the same Crown therefore it will without a very just Cause Given be inexcusable in the Agressors to make any Violation of the same

That as our proprietor for Solid Reasons drawn from the Charters to both Provinces claimed to the Southward of Octeraroe and it had formerly always been understood by this Government that the Lord Baltimore made no claim to the Northward of that Creek or River of which better proofs may be given than some in Maryland are willing to admit of, those of this province were therefore of Opinion that to bound themselves by the same Limits the Lord Baltimore had prescribed to himself, cou'd never be the Cause of any dispute with a Governm[t] with which they Laboured to maintain a perfect Amity and good Understanding

That the Settlement of Nottingham having been made by
this province near twenty years ago within the Limits we p. 82
Conceived to be our proprietors undoubted right and with all due Caution and tenderness not to interfere with the Claims of Maryland in Case that Tract called Talbots mannor should be reverted to the Lord proprietor and Nottingham should appear to be within the Bounds of that Mannor as is alledged from late discoveries said to be made concerning it; there is the greater Reason to expect that the Lord Baltimore as General Proprietor may be the better Satisfied to let those Inhabitants remain unmolested till such time as it shall appear whether the Country where those Lands lie shall on the full determination of the Boundaries prove truly to be his Right especially since as this Board has been informed the Enlargement of the first Grant of that Mannor being upon a very slender Consideration seems to have been regarded as a thing of little or no Value to him but as it could be Obtained out of another province by the Endeavours of the Grantee otherwise it Appears difficult to Account why the Lord Baltimore shoud so easily part with so vast a Tract of Land for only a Triffle.

That if the Survey and Grant of the Tract New Munster be of so Antient a date as the Letter expresses Yet it was not known nor heard of by any in this province (as far as can be discovered by this Board) for a Great many years after and

Lib. X. that the Surveys and Settlements made thereon in right of Pennsylvania by purchases in England above forty years old were made innocently without the least Suspicion that any persons right was invaded by that Settlement and if it prove true that the Local Bounds of it are so uncertain that (as is
p. 83 alledged) the Lines now Claimed Err by half a mile in their prescribed Distance from Elk River it appears Consonant to reason that those Boundaries when the General Title of the Proprietors to the Lands is setled if they fall to Maryland should be adjusted by disinterested persons and that in the mean time the possessors on pennsylvania rights while they deprive no Marylander of theirs should hold them peacably and be left to make their Terms if the proprietors should fail to make them for them upon the Grand Decision

That as it appears that Isaac Taylor was taken by the Officers of Maryland only for Surveying to the Northward of the Line to which this Province (as has been said always Claimed) some certain Lands at the Request of their possessors that had never been Granted or Surveyed by Maryland and Elisha Gatchell upon an Action Grounded on a Falshood with a design to try them for their Supposed Crimes by a Court of Maryland it is evident that as the whole Controversy turns upon the Boundaries in which neither province can be impartial and therefore are not to be allowed Judges in the Case to press these men to such a tryal is no better than determining it by Force which is inconsistent with all that can be accounted Legal

That the Case being the same in General in all these disputes it is inconsistent with the duty of all those Concern'd in Government to give way to any measures so incompatible with the maintainance of the peace of his Majestys Subjects committed to their care as these proceedings in their nature appear to be that to allow of them wou'd throw both
p. 84 provinces into a State of Warr the promoters of which must deservedly feel the heavy censures of his Majesty for that the Aggressors must Account for all the ensuing mischief

That it is no new thing in America that the Boundaries of two Provinces should lye for many years undetermined those of New York and New Iersey being so to this day yet this Board never heard that Hostilities or what Amounts to them were Committed in such Cases or that Officers were employed to raise Levies by Force on the Settlements of each other

Upon these Considerations it is the advice of this Board that the Governor would be pleased to state these matters fully to the Governor of Maryland whose good understanding and humanity can never approve of such unfriendly (not to say Hostile) proceedings, that the Governor would also be

pleased to give himself the Trouble to meet that Gentleman Lib. X.
and in the most friendly manner labour to discuss all former Complaints with the Occasion of them, and to stipulate such measures as may prevent them for the future until the Boundaries are setled that in the mean time effectually to end these differences applications be made to the Proprietor at home to press a final Adjustment of the Boundaries that in Case the Province of Maryland hitherto our Good Neighbour should now so far change their measures as no longer to preserve peace with us, the Gov[r] would then be pleased to represent the matter effectually to the King and his Ministry and in the meantime by all Legal Methods to support the peace- p. 85
able people of this Province as well as the Proprietor in the just Possession and Enjoyment of their rights

Extracted
ꝑ Geo Barclay Cl Concil

His Excellency then laid before the Board the Opinion of Daniel Dulany Esq[r] his Lordships Attorney General with relation to Isaac Taylor and Gatchell which is as follows viz[t]

The Case of Isaac Taylor and others

They pretending to be Officers under the Government of Pennsylvania enter into the Possessions of several persons that held their Land of the Lord Proprietary of Maryland as part of that Province, made several Surveys and threatned the people that if they would not have the Lands they possessed Surveyed by them they woud Survey them for others and Actually took a House and part of a wheat field that was inclosed from one Lang one of his Lordships tenants and promised all those that would submit to the Government of Pennsylvania they should be protected

Thus much I think the Depositions contain

1. And first then it is to be Considered whether the said Taylor and his Companions are Guilty of any Offence

2. If they are what that offence is

3. And in what Court they may be legally prosecuted for it.

1. That it is not Lawful for any man or number of men to enter into the Inclosures and Possessions of Another without p. 86
his Leave is without Question and the doing of it with any Circumstance that may disturb the Possessor is an Aggravation although there be no sort of violence offered him and

That when a number of people come together and claim the right of Lands or Goods quietly Possessed by another and by words or Actions manifest an intent to disturb that person by turning him forceably out of his Possession if he

Lib. X. should not agree to their measures they are without question disturbers of the peace and punishable as such

2. It seems a setled Point in Law that the bare meeting together of three or more persons (which number must be to make a Riot) with intent to do an act which in it self would be a Riot if put in execution, are not Rioters without proceeding to some degree of Violence as beating a man or forcing him to quit his Lands or Goods, but when the meeting can be proved to be with Intent to Commit a Riot, the least Degree of force and Violence to any man or his possession will suffice and I Conceive taking away part of Langs Wheat field and one of his Houses and keeping the Possession of them would (without the other Circumstances of Aggravation attending the Case of Taylor and his Companions) make a Riot, but it would be proper to enquire whether they removed the Fences lockt the Doors or did any other Act which may evince their claiming and Continuing to Claim a Right to what the other quitted for fear of them.

p. 87 3. I am clearly of opinion they may be regularly prosecuted in the Provincial Court for that Court has the same Authority in Maryland that the Kings Bench has in England And we have instances enough in our Law Books that Riots and forceable Entries are frequently tried at the Kings Bench Bar its true there are several Acts of Parliament for the better and more speedy Prevention and Supression of Riots Routs and forceable entries impowring the Justices of the peace to proceed and directing in what manner but none of those Acts takes away the Iurisdiction of the Superior Courts of Iudicature there being no Negative words in any of them as that the Offendors shall not be proceeded against in any other Court or to that Effect without which the Superior Court as is clear by Multitudes of Book Cases can never be Ousted of its jurisdiction the Statute of 13 H 4 Cap 7 directs the Iustices and Sheriff in case they cant discover the Truth i: e: such Evidence as may Iustify them in punishing the Offendors according to Law (or as it hath been adjudged) when the Offenders have so much Interest or Influence that they cant be duely punished, to certify all the Circumstances appearing to them to the King and Council which Certificate was to be made in a months time and of equal Authority with a presentment by a Iury, it is evident by this provision and all those Contained in the other Statutes that they were all Calculated and designed for the furtherance of Iustice by punishing transgressors and protecting peacable People in the quiet Enjoyment of their Lands and Goods and certainly the restraining of those Courts where it is presumed no Interest or Influence will prevent Iustice being done would be destruc-

tive of those ends and inconsistent with the Wisdom and Policy of an English Parliament Lib. X. p. 88

There are Instances where Rioters that have been punished by the Iustices of the peace but not in proportion to their Crime have been brought into the Star Chamber and such a further fine imposed on them as made the whole Punishment equal to the Offence and that proceeding Adjudged to be no way repugnant to the Rule of Law of not punishing twice for one Offence but inflicting a Penalty adequate to the Crime at different times which proves Clearly that other Courts have Iurisdiction of those things as well as Iustices of the Peace

By the Statute already cited it appears that the Justices of the Peace and Sheriffs may if they find a difficulty in punishing the Offendors certify all the Circumstances to the King and Council in Order without Question that proper measures may be taken therein and if the Iustices fail they are punishable and it would be a new Doctrine and a very absurd one that the Omission of Inferior Officers and their punishment should excuse other Offenders or prevent Superior Officers taking Care to prosecute Offendors and certainly the Government may Iudge when it is proper to do it in the Supreme Courts according to the Common Course as well as a Private Justice of Peace when it is proper for him to Proceed or make the Certificate prescribed by the Statute

D Dulany
28th February 1722

May it please your Excellency

The foregoing is a State of the Case of Taylor and his Companions agreable to the Depositions I have by me with the best Solution I am Capable of giving to the Question your Excellency and the honble Council were pleased to desire my opinion on which is humbly submitted to your Excellency by p. 89

Sir
Your Excellencys most humble
and Obedient Servant
D Dulany

His Excellency having acquainted the Board that Mr Jackson one of the Iustices of Cecil County Court can produce several material Evidences against Taylor and Gatchel bound over to their Tryal next Provincial Court thereupon Ordered that directions be given to the chief Iustice of Cecil County and his Brethren in Commission to examine and bind over to the Provincial Court all such persons as shall appear to be good evidences against said Taylor and Gatchell and the following Order was made out and sent (vizt)

Lib. X. By the Governor and Council March
the 2d 1722

You are hereby Ordered to examine and bind over in Sum equal to those already bound over in the same Case all such persons as shall upon examination appear to be good evidences against Isaac Taylor and Elisha Gatchel to give
p. 90 their Evidence against the said Taylor and Elisha Gatchel in the Provincial Court to be held at the City of Annapolis in April next

Sign'd p Order
Sam[l] Skippon Cl Co.

Directed
To Mr Mathias Vanbebber
chief Iustice and the rest of his
Brethren the Iustices of Cecil County

Upon Application made to the Board by John Young Armourer that his Sallary due for cleaning the Arms Attendance on the Council and other publick Services may be paid him the year being expired the 11th day of January last.

Ordered that Colo Samuel Young Treasurer of the Western Shore be directed to pay the said John Young his Salary and the following Order was made out thereupon Vizt

By the Governor and Council March
the 2d 1722

You are hereby Required to pay to John Young or Order the sum of forty Pounds Sterling being his yearly Sallary for cleaning the Arms &c ending the eleventh day of Ianuary last

Signed p Order
Samuel Skippon Cl Co.

To the Honourable Colo
Samuel Young Treasurer
of the Western Shore

At a Council held at Annapolis April the 12th in his Excellencys House 1723

Present

The honble Charles Calvert Esqr Governor

p. 91 the honble { Colo William Holland, Colo Samuel Young, Colo Thomas Addison, Phile: Lloyd Esqr, Colo Richard Tilghman, Benjamin Tasker Esqr } Councillors

The honble Philemon Lloyd Esqr laid the Proclamation of January last relating to the Boundaries before the Board, and informed them that he had [not] published the same according to direction because it was defective in the following words in the second paragraph vizt on the one side and Chesapeak Bay on the other &c whereupon Ordered that the said Proclamation be fairly transcribed and sent away with all speed in Order to Proclamation Lib. X.

His Excellency laid before the Board several papers vizt a Letter and Representation from the chief Iustice of Cecil County and Benjamin Pierce and William Alexander two of the Iustices Complaining of their being insulted abused and reviled in the Execution of their Office by Col^o John Ward and others his Associates both by words in open Court and Libels dispersed all over the County insomuch as the County by their means is danger of running into Riots and Unlawful Tumults and the opinion of the Board being ask'd thereon

The Board taking the same into serious Consideration are of Opinion that the Papers aforesaid being of a dangerous nature be referred to the Consideration of Mr Attorney General to examine into the proofs and prosecute the Offendors according to Law and take such further Care therein as may prevent such further practices for the future p. 92

At a Council held in his Excellencys House April the 15th 1723

Present

His Excellency the Governor

the honble { Col^o Samuel Young, Col^o Thomas Addison, Philemon Lloyd Esqr, Col^o Richard Tilghman, Col^o M T. Ward, James Lloyd Esqr, Benj^a Tasker } Members of his Lordships honble Council

Amaussenaugus Emperor of Nanticoke Indians in Behalf of himself and his followers of the same nation complained this day to the Board by Edward Wright their Interpreter that Captain Iohn Rider of Dorchester County and Mr William Ennals of Dorchester County had taken possession of their Lands though Granted and Confirm'd to them by the Greatest Sanctions this Government could give vizt by an Act of Assembly

After the Emperor and his followers had withdrawn the Board took their Complaint into their Serious Consideration

Lib. X. and in regard that the Faith of Treaties with the Indians and
p. 93 the Honour of the Government ought to be strictly preserv'd and the Authority of the Laws duly asserted they thereon Resolved

That an Order of Council be directed to the aforesaid Captain John Rider and Mr William Ennals to forbid them or any other Person whatsoever to molest the said Indians in their Possessions under the Penalty of being prosecuted by the Government for so doing

And also further Resolved that a Copy of this Order be given to the Indians aforesaid to the Intent that upon any Injury of this kind for the future they may have Immediate Recourse to the Governor and Council for Relief and that the Offendors may be prosecuted with the utmost Severity the Law will Allow

And thereupon the following Order was prepared and directed to Captain John Rider and Mr William Ennals and also a Copy thereof given to the said Indians according to the above Resolutions viz[t]

By the Governor and Council April
the 15th 1723

Complaint having been made to this Board by the Nanticoke Indians that you and some others have taken possession of their Lands Contrary to the Faith of Treaties with said Indians the Honour of this Government and in Contempt of the Laws in that Case made and provided you and all other persons whatsoever are hereby strictly forbidden to
p. 94 molest in any wise the said Indians in the Premises under the Penalty of being prosecuted with the utmost Severity by the Government for so doing

Signd p Order
Samuel Skippon Cl Concil

At a Council held in the Council Chamber at Annapolis April the 19th 1723

Present

His Excellency the Governor

the honble { Colo Samuel Young, John Hall Esqr, Colo Thomas Addison, Philemon Lloyd Esqr, Colo Richard Tilghman, Colo M. T. Ward, Benjamin Tasker Esqr } Councillors

Kaom Hac Ghea Tae and Dac Kâ ae Eugh Kings of Kio Gûgh and Hannashannaegas King of Ondowah appeared before the Board and acquainted the Governor and Council by John Webster and an Indian Woman their Interpreters that understanding by some English Traders and several Indians that the Governor desired to see them they were now come down on purpose for that end they therefore desire to know what answer they shall return to their Town and five Nations and how the Governor likes their visit Lib. X.

His Excellency and the Board taking the same into their Consideration do Agree to the following Answer viz[t] p. 95

That as they came from our Friends the Sinica Indians for whom this Government has a just Esteem and Friendship the Governor and Council are Glad to see them and tho they never had sent for them yet in regard they were our Friends and had come down to visit Us the Governor and Board thought fit to Give their three Kings each one Blue Stroud Match Coat and to their War Captain and Woman Interpreter each one Red Stroud Match Coat but that they had nothing else to Offer only that this Governm[t] will always be Glad to maintain peace and Amity with them so long as they Behaved themselves in a friendly manner towards us

At a Council held in the Council Chamber in Annapolis May the 10th 1723

Present

His Excellency the Governor

the honble { Col[o] Samuel Young, John Hall Esq[r], Col[o] Thomas Addison, Philemon Lloyd Esq[r], Col[o] Richard Tilghman, Col[o] M T Ward, James Lloyd Esq[r], Benjamin Tasker Esq[r] } Councillors

His Excellency having signified to the Board that he had nothing of moment to lay before the Assembly at their next meeting in Iuly the 2[d] next following and desiring their opinion whether a further Prorogation of them to Monday the 23[d] day of September next would not be proper

This Board is Opinion that it is a proper time and thereupon Ordered that Proclamation issue for that purpose p. 96

Ordered that the Clerk of this Board do write to the Several Sheriffs of this Province to give personal notice to every

Lib. X. member of the Assembly in their respective Counties that they are then to meet without fail in Order to proceed upon publick Business

Maryland ss[t]

By the Honourable Charles
Calvert Esq[r] Captain General &c.

A Proclamation

Whereas this present General Assembly stands prorogued to Tuesday the Second day of Iuly next and whereas there are no Affairs of moment to be laid before them which requires their attendance at that Time I have thought fit with the advice of his Lordships Council of State further to prorogue and I do hereby further prorogue the same to Monday the 23[d] day of September next and to the Intent that all persons Concern'd may have due Notice thereof I strictly require and Charge the several Sheriffs of this province to publish this my proclamation in the usual manner as they will Answer the Contrary at their perill Given at Annapolis this 16th day of May in the 8th year of the Dominion of the right Honble Charles Absolute Lord and Proprietary of the Provinces of Maryland and Avalon &c Annoq Domini 1723

Cha: Calvert { The Great Seal of Maryland }

p. 97 Post Meridiem

Present as in the Morning

The honble Philemon Lloyd Esq[r] laid before the Board a paper which he received from the Magistrates of Cecil County directed to all Freemen in Cecil County and signed by John Ward of Cecil County and the said paper being read and Considering and appearing to be a Libel tending to promote Tumults and Riots in said County and of dangerous Consequence to his Lordships Government it is the opinion of this Board that an Order of Council be directed to Col[o] James Harris to issue his warrant against said John Ward or any other Contrivers or publishers of said Libel and examine into Proofs and if he shall find Cause to bind him or them over to make their Appearance at the next Provincial Court to be holden at Annapolis on Tuesday the 10th day of September next there to answer such Things as shall then be alledged against them

Memd A Copy of these Proceedings was sent over by the honble Philemon Lloyd Esq[r]

At a Council held in the Council Chamber at Annapolis Lib. X.
July the 18th 1723

Present

His Excellency the Governor

the honble { Colo Samuel Young, Colo Richard Tilghman, Colo M T Ward, James Lloyd Esqr, Benja Tasker Esqr } Councillors

The Petition of John Rider of Dorchester County Gent p. 98
setting forth that upon an accusation of the Nanticoke Indians that he the said John Rider had Contrary to the Faith of Treaties with the Indians the Honour of this Government and in Contempt of the Laws in that Case made and provided had taken Possession of some of their Lands an Order of Council had been directed to him forbidding him under pain of prosecution to molest them and praying that as soon as may be he may of an opportunity of Clearing his Innocence before this Board for that he the said Rider had entred upon the said Lands as he judged he had right to do, they having deserted them for twelve months before, and likewise praying that the Indians may have timely Notice to appear and make good their Allegations if they think proper

Upon Reading the aforesaid Petition and hearing Mr Rider by Daniel Dulany Esqr to the said petition the Board came to following Resolution that the matter of the petition does not properly lye before them to determine any thing therein but that the Upper and Lower Houses of Assembly who made the Act by which the Nanticoke Indians hold their Land are the best Judges of the Sense and Meaning of the Act and Consequently of the Allegations on both Side to whom Mr Rider is at Liberty to make his Application or to make use of such other methods as Legally he may but that in the mean time he take special Care not to disturb the Indians

His Excellency laid Several Depositions before this Board p. 99
by which it appears that there is good reason for Suspicion that William Maria Farthing mentioned therein had erased an Indorsement upon the back of a patent for a Tract of Land Called Rocky Point and had also destroyed the said Patent with Intent to defraud his Lordship of the escheat this Board is therefore of Opinion that there is sufficient Grounds in the said Depositions for prosecuting the said William Maria Farthing and Mr Attorney General is hereby Ordered next Provincial Court to prosecute him accordingly

Lib. X. Maryland ss[t]

At a Council held at the City of Annapolis in the house of his Excellency the Governor on Friday the first of January in the 9th year of his Lordship the Lord Proprietarys Dominion &c. Annoq Domini 1724

Were Present

The honble Charles Calvert Esq[r] Governor

the honble	Col[o] Samuel Young Col[o] William Holland Col[o] Richard Tilghman Col[o] M T Ward Benjamin Tasker Esq[r]	Members of his Lordships honble Council

His Excellency the Governor acquaints the members of this honble Board that he has appointed George Plater Gent Clerk of his Lordships Council within this Province in the Room of
p. 100 the Reverend Samuel Skippon deceased and thereupon the said George Plater produces his Excellencys Commission to him given for the same on the back of which it appears that the said Geo Plater has taken before his Excellency the several Oaths appointed to be taken by act of Assembly of this province as also the usual Oath for the due Execution of the aforesaid Office and hath Subscribed the Oath of Abjuration and Test according to the directions of the Act aforesaid

And thereupon the said George Plater is accordingly admitted the Tenor of which Commission is as followeth

Maryland ss[t]

Charles Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore &c to our trusty and well Beloved George Plater of the City of Annapolis in our Province of Maryland Greeting forasmuch as we do Repose special Trust and Confidence in your Integrety Fidelity Skill and Cunning in Clerkship we have thought fit and do by these presents give and Grant unto you the said Geo Plater the Office of Clerk to our Governor and Council of Maryland hereby appointing Authorising and Empowring you to have hold use exercise and Enjoy the said Office and to take and Receive to your own proper use and behoof as well the Sallary usually allowed as also all and Singular other the rights Profits Benefits Perquisites and Advantages thereto belonging or in any wise appertaining in as ample manner as any of the Clerks to our said Governor and Council of Mary-
p. 101 land have used to have hold exercise and Receive and Enjoy the same for and during our good will and Pleasure Witness our trusty and well Beloved Charles Calvert Esq[r] our Captain

General and Governor in chief in and over our said Province Lib. X
and Territories of Maryland this twelfth day of December in
the 9th year of our Dominion &c Annoq Domini 1724

{ Great } Char Calvert
{ Seal }

At the Court at Saint Iames's the 30th
day of April 1724

Present

The Kings most Excellent Majesty

Lord Arch Bishop	Earl Coningsby
of Canterbury	Lord Viscount Townshend
Lord President	Lord Viscount Torrington
Duke of Kent	Lord Bishop of London
Duke of Roxburgh	Lord Carteret
Duke of New Castle	Mr Comptroller
Earl of Lincoln	Lieut Genl of the Ordinance
Earl of Cadogan	Sir Robert Sutton

Upon reading this day at the Board a report from the Lords of the Committee for hearing Appeals Complaints &c from the Plantations dated the 17th of this instant upon Consideration of a Petition of Jonathan Forward of London Merchant Complaining of some unjust Proceedings carried on against him and his Agents in the Courts of Maryland at the suit of Gilbert Powlson Master of the Ship Dolphin relating to an p. 102
Agreement Entered into between them for the said Poulson to transport from England to the said Province and to Virginia One Hundred and thirty one Servants on account whereof Several Attachments have been obtained against his Effects there and also Complaining that he hath not Received there any Benefit from an Order of their Excellencies the late Lords Iustices in Council of the 11th day of August 1720 made upon a former Complaint of the sd Petitioner which Order directed that all the Goods that had been seized by virtue of the said Attachments should be Restored to him or in Case they were sold then the Money to be paid him arising from the Sale thereof all which is fully set forth in the petition hereto annexed and the said Lords of the Committee reporting that notwithstanding such Order in Council the Petitioner hath not been able to Obtain restitution of his Goods in Specie or the Payment of any money for the same as by the said Order was Commanded and that therefore they are of Opinion the said Order ought to be enforced

His Majesty in Council taking the said Report into Consideration is pleased to Approve thereof and accordingly to

Lib. X. enforce the said Order of 1720 And to that end his Majesty is hereby pleased to Order that the Deputy Governor of the said Province of Maryland do Command the said Courts there to Carry the said Order into Immediate Execution by Causing speedy Restitution to be made the petitioner of his Effects or in Case they are Sold immediate payment of the Money
p. 103 arising there from and his Majesty taking particular notice that the said Governor hath not Complyed with the said former Order in Council is hereby further pleased to Order and Require him forthwith to send an Account to this Board why the said Order was not carried into Execution together with his Reasons for the same

Robert Hales

To the Kings most Excellent Maj^sty in Council

The humble petition of Ionathan Forward of London Merchant

Sheweth

That your Petitioner 5th September 1717 entered into Charter party with Gilbert Poulson Master of the Ship Dolphin whereby the said Master let the said Vessel to Freight to your petitioner for six months certain and for a further Term (uncertain) not exceeding six months more for transporting 131 Servants to Maryland or Virginia on your Petitioners Account and to deliver 'em to your Petitioners Factors there and receive from them such Back Loading of Goods as they should put on Board which he was to fetch at his own expence and being loaden was to sail directly back to the River Thames and there unload and deliver to your petitioner his homeward bound Cargo

And your petitioner was to Clear the said Ship from his Service in 12 months and within 10 days after the Delivery of the said Homeward bound Cargo in the Thames to pay Poulson after the rate of 50^l Sterling ꝑ month for each month
p. 104 his Ship should be on the said Voyage with Primage Average &c as Customary Poulson was also to receive 5 Shillings ꝑ week for each Servant he should deliver to your Petitioners factors at Maryland or Virginia immediately on their delivery to Commence from the Servants Entry aboard

That after Execution of the said Charter Party Poulson told your petitioner he was not able to set out on the said Voyage without 375^l which he requested your Petitioner to lend him on the Credit of the Charter Party and the said Poulson and his Ship both being actually under an Arrest hereupon and upon the said Poulsons Request and to enable Poulson to fit out his Ship and pay his Tradesmen your petitioner lent him

375$^{\pounds}$ which Poulson Secured to your Petitioner by a Bottom- Lib. X.
ree Bond in 750$^{\pounds}$ Penalty and also by an Indorsement on the said Charter Party under his Hand whereby he agrees all Sums to grow due by virtue of the said Charter Party should remain and be Security for the more sure Paym^{t} to your Petitioner of all sums to grow due on the said Bottomree Bond

That the said Poulson having performed his Voyage on his Arrival at Maryland he delivered 131 Servants to your petitioners Factors there the Victualing Wages for which amounted to 470$^{\pounds}$

That your petitioners Factors paid Poulson 116$^{\pounds}$ on his said Arrival which With the money before lent him by your Petitioner overpaid the s^{d} 470^{ls} (being all that Poulson could by
any means pretend due to him) 39^{ls}, and your Petitioners Fac- p. 105
tors then put on Board him a Back lading out of hand and Ordered him to Sail directly for London but the said Poulson Contriving how to raise Great Sums to himself out of your petitioners Effects there and Confederating with those to injure your petitioner in his Property who by virtue of their Offices ought to have Protected your Petitioner from all Injury he was encouraged to prefer a Petition the 3^{d} of Iuly 1718 to the then Governor there setting forth that the said Victualling Wages Amounted to 470$^{\pounds}$ but that your Petitioners Factors refused paying him the same and Ordered him to Sail without giving him any thing to fit out his Ship and having no money or Credit to Supply his Ship with victuals and as the Freight of his Ship on her Arrival in the Thames would amount to Several hundred Pounds besides the said Sum due for Victualling Wages he therefore laid his Case before his then Excellency that if he Could find any method of Redressing his Wrongs he would be pleased to do it he declaring himself Ignorant and hopeless of any Relief unless by some Order from his Excellency which he declared he knows not how to pray for or propose but Submits whether any thing can be done for him and any favour that can be proposed by his Excellency should be very gratefully Acknowledged by him

That this Application to the then Governor is Conceived to be of a very extraordinary nature whereby Poulson owns himself to have neither money nor Credit and does not pray any particular Relief nor ask for Justice but favour promising a gratefull Acknowledgement for the same

That however his then Excellency thought fit to Receive p. 106
his Extraordinary Petition and Referred it to the then Attorney Genl for his opinion how far it was in his Excellencys Power to Releive the Petitioner by virtue of his Comm̄n as Vice Admiral of the province who the very same day reported

Lib. X. as his Opinion that the Charter Party and other Contracts made between your petitioner and Mr Poulson were not to be perform'd within the Body of any County within Great Britain but that there having been a Transportation thrô the High Seas and the quarrel between the Merchant and the Proprietor of the Ship being properly beyond Sea therefore he advised his Excellency to refer Poulson to the Court of Vice Admiralty within that Province and Accordingly the 9th of July 1718 Poulson Libelled against your Petitioner for the said Victualling freight in the Court of Admiralty of the said province setting forth the Substance of the Charter party the Originall of which he Alledged he had left in London and thereon all your Petitioners Factors were Summoned to Court and examined upon Oath to discover your Petitioners Effects and he Obtained Sentence against your petitioner and Attachments and Condemnations not only against his Goods and Effects that were then in the hands of his factors there but also against his Goods and Effects that arrived there Subject to those Orders of Condemnation and whenever any Effects of your petitioners were heard of new Attachments issued against the same And by Executions of that Court the same were seized to the Value of near 2000ls and delivered over to Poulson without Giving any Security save only his own Bond
p. 107 to return the same when Adjudged thereunto tho by an Act of Assembly of that Province good and sufficient Security Ought to have been given and as the usual Course of the Court is and which in this Case was the more necessary Poulson having himself acknowledged in his Libell that he had neither money nor Credit so that they could not but know he was unable to make your petitioner any Restitution

That the Great number of Attachments and Executions that issued came to a very Considerable Expence and which was in the first place paid for out of your Petitioners Effects

That notwithstanding your Petitioners Agents there Protested against the said Libell and all the Proceedings thereon and tho your petitioners Agents also preferred a bill in Equity to the then Governor as Chancellor of the said province setting forth your petitioners Case and Complaining of the said Proceedings and praying a stay thereof and that a Ne Exeat Provinciam might be awarded against the said Poulson yet Could your Petitioner obtain no relief therein all his endeavours for which by his Agents there prov'd ineffectual and it being plain the Admiralty Courts had no Jurisdiction in that Affair Your petitioner in July 1720 by his humble petition laid this his Case before their Excellencys the then Lords Justices in Council praying Relief against the said Unjust Proceedings and which petition being referred to the Right

Honble the Lords of the Committee for Plantation Affairs on Lib. X.
their Lordships Report thereon the Lords Iustices by their
Order in Council dated the 11th of August 1720 Ordered that p. 108
upon your Petitioners Giving such Security as the Governor
and Council of the said Province should think Sufficient to
Answer the said Poulsons demands your petitioners Goods
which had been Seized and Remained in Specie should be
restored to him and in Case they were Sold that your Peti-
tioner should be paid the money arising from the Sale thereof
and that thereupon the Provincial Court should proceed to
hear and determine the Cause or Causes with Liberty for
either party to Appeal

That accordingly the 2d December 1720 Security was given
on your Petitioners Behalf in 1200ls and approved by the sd
Governor and Council and thereupon your Petitioners Council
moved for Restitution of your petitioners Goods or the Pro-
duce thereof pursuant to the said Order in Council with which
the Court Ordered the said Poulson to be acquainted who
Returned for answer that what he had got he had Got by Law
and that he had neither the Money nor Effects to Restore

That notwithstanding the said Order in Council your Peti-
tioner hath not been able to get the same performed or any
Restitution made him under the same

Therefore and as the Proceedings against your Petitioner
have been of so very Extraordinary a Nature and as it is so
very Clear the Admiralty Court had no Iurisdiction in this
Case nor were the Premises Cognizable there and as your
Petitioner hath been so Great a Sufferer thereby not only in
the Great Value of his Goods and Effects seized there but in p. 109
his Credit as a Merchant in Consequence of such Seizures
which is Irreparable and as the said Poulson over and above
what of your petitioners Effects he has already got into his
hands by the Unjustifiable means aforesaid is really Indebted
to your Petitioner on the Ballance of Accounts

Your Petitioner humbly prays your Majesty that in Consid-
eration of the hard and unprecedented Circumstances of this
Case your Majesty would Graciously be pleased to enforce
the said Order in Council of the 11th of August 1720 by di-
recting speedy restitution to be made Your Petitioner of such
Part of his said Effects that may be remaining in specie and
of the money that arose from such Part thereof as were sold
and that your Majesty will be pleased to Limit some time
in which the said Court who Pronounced and issued such
extraordinary Sentence Attachments and Executions shall
Cause such Restitution to be made Your Petitioners Agents
in Maryld and Give directions to the Deputy Governor there
or whom Else it may Concern to Cause your Majestys said

Lib. X. Order to be duly Observed as he or they will Answer the Contrary at their Perill And that your Majesty will be pleased to Give such further and other Directions as will be Effectual to Cause such Restitution to be duly made to your Petitioner or his said Agents for your Petitioners relief in the Premises as your Majesty in your Consummate Wisdom shall think proper

And your Petitioner shall ever pray &c

At the Court at Kensington the 4th day of July 1724

Present

p. 110 The Kings most Excellent Majesty

Lord Chancellor	Lord Bishop of London
Lord President	Lord Carteret
Lord Privy Seal	Mr Vice Chamberlain
Lord Chamberlain	Mr Chancellor of the Excheqr
Earl of Cadogan	Lt Genl of the Ordinance
Lord Visct Townshend	Sir Robert Sutton

Upon reading this day at the Board a Report from the right Honourable the Lords of the Committee for hearing Appeals from the Plantations dated the 17th of June last in the words following vizt

In pursuance of an Order in Council of the 21st of February last referring to this Committee the humble petition and Appeal of Jonathan Forward of London Merchant against Gilbert Poulson from Maryland their Lordships appointed this day for Considering the same and do find the said petition sets forth (int alia) that on the 5th September 1717 The Apellant entred into Charter Party with the said Gilbert Poulson Master of the Ship Dolphin for the Freight of the said Vessel for Transportation of 131 Servants to Maryland or Virginia and to bring a homeward bound Cargo back from thence to the Apellant within ten days after Delivery of which Homeward bound Cargo in the Thames the Apellant was to pay the said Poulson after the rate of 50lb ꝑ month for each month his Ship should be out in the said Voyage and according to which Agreement the said Poulson delivered the said Servants in Maryland but thô no Part of the Ships Freight
p. 111 became due 'till the Ship arrived in the Thames, and thô the Appellants Factors had shipp'd a back Lading on board Poulson & directed him to sail for London & molested against him for not doing so, and thô the Appellants Factors there had paid the said Poulson a Considerable Sum of Money yet the said Poulson brought an action in the Provincial Court

there against the Apellant for 370£ 7s. 6d pretended to be due Lib. X.
to him for the said Ships Freight and for non Payment
whereof he laid his Damages at 750£ whereupon the 20th of
September 1720 the Court declared the said Poulson ought
to Recover against the Petitioner the Damages he had sus-
tained in the Premises and to Ascertain which a writt of
Inquiry issued which was executed and returned the same
day whereby the said Poulsons damages besides his Costs
were ascertained at 600£ Sterling and 6451 Pounds of To-
bacco and upon which Iudgment was the same day Given
that Poulson should recover against the Apellant as well the
said 600£ Sterling and 6451 Pounds of Tobacco for his said
Damages as also 1273 Pounds of Tobacco for Costs that
Poulson took out a Writt of Attachment on the said Judgment
which was Actually executed several times over on the Apel-
lants Effects in the hands of his Factors there and the said
Poulson also took out a Fieri Facias against the Apellant
Whereupon the Petitioners Attorney brought a writt of Error
Assigning several Errors in the said Judgment Proceedings
and Execution notwithstanding which Poulson moved the
Court for Condemnation of the Petitioners Effects in the
hands of Thomas Cocky one of his Factors so attach'd as
aforesaid to satisfy Poulson the said Judgment as also the
Costs of the said Execution which the Apellants Attorney
opposed by reason of his having brought the said Error but p. 112
the Court were of Opinion such Writt of Error was no Super-
sedeas to the Proceedings against the said Cocky on the said
Attachment and therefore Condemned the Money and Effects
attached in the said Cockys hands to satisfy the said Iudg-
ment to Poulson as also the Subsequent Cost Accruing on the
said Attachment that on Arguing the petitioners said writt
of Error on the 7th of May 1723 the said first Iudgment was
affirmed and the Apellant Condemned in 1803 Pounds of
Tobacco for Costs in Error from which this Appeal is brought
before your Majesty in Council And the Petitioner further
Complains that notwithstanding the said Appeal and 900£
Security Given thereon the Court in Maryland Obligd the
said Cocky to draw a Bill of Exchange on the Apellant for
600£ Sterling as for so much of the Petitioners Effects Con-
demned in his hands and to bring such Bill of Enchange into
that Court and which is threatned to be put in Suit And
therefore the Apellant prays the said Judgment and proceed-
ings may be all Reversed and directions Given for his full
Relief in the Premises And their Lordships having heard
Council on behalf of the Apellant (none Appearing for the
Respondent) notwithstanding the usual time for his Appearing
according to the Rules of this Board was expired and altho

Lib. X. the usual notice was Affixed on the Exchange of London do Agree humbly to Offer it as their opinion to your Majesty that the said Judgments of the 20th of September 1720 and the 7th May 1723 should be reversed and set aside and that the Apellant be restored to all he hath Lost by means of the said Judgments

His Majesty in Council taking the said Report into Consid-
p. 113 eration is pleased to Approve thereof and Order as it is hereby Ordered that the said Judgments of the 20th of Septr 1720 and the 7th of May 1723 be reversed and set aside and that the Apellant be restored to all he hath lost by means of the said Judgments whereof the Deputy Governor or Commdr in Chief for the time being of the sd Province of Maryland & all Others whom it may concern are to take Notice & govern themselves accordingly Robert Hales

The Board Adjourns until to morrow morning 9 a Clock

Saturday morning January the 2d 1724

This Board met again according to Adjournment

Present as yesterday

Which Orders and petition thereto annexed as well as the Proceedings of the Governor and Council in December 1720 Relating to the late Order of the 11th August 1720 being read and heard it is therefore the Opinion of this Board that Daniel Dulany Esqr who was then Council for Mr Forward be required to give his Reasons in writing why (when Mr Poulson had desired to give Obedience to the order of their Excellencies the late Lords Iustices of the 11th of August 1720 which was Served upon him by Order of the Governor and Council the said Daniel Dulany being then present) he did not apply to the proper Courts for Process to Oblige the said Poulson to make Restitution or to the Provincial Court that the Cause might be there heard pursuant to the said Order

Whereupon his Excellency was pleased to send for Daniel
p. 114 Dulany Esqr and required the same of him to which he made the following answer vizt

May it please your Honours

In Obedience to your Order of this day requiring me to give my Reasons in writing why (when Mr Poulson had denied Obedience to the Order of their Excellencies the late Lords Iustices of the 11th of August 1720) I did not apply to

the proper Courts for Process to Oblige the said Poulson to Lib. X.
make Restitution or to the Provincial Court that the Cause might be there heard pursuant to the said Order

I humbly Observe to your Honours that Process of Restitution Issues out of a Superior Court upon the Reversal of a Iudgment given in an Inferior Court or out of the Inferiour Court where the Judgment was Rendred by Order of the Superiour Court that reversed it and that in the Latter instance it is presupposed that the Inferior Court had Cognizance of the Cause but Erroneously Rendered Iudgment for the Person against whom it ought to be Given which Error is Corrected by the Reversal and the Party Injured remedied by having the same Execution out of the Inferiour Court that he ought to have had there at first, or which is in Effect the same being restored to what he lost by an Erroneous Iudgment, but when a Iudge takes upon himself to Proceed Judicially in a Cause that he really had no Cognizance off (as the Iudge of the Admiralty did in the Case of Poulson against Forward) gives Judgments awards Executions and by so doing puts it into the Power of one man to spend and waste another mans estate and Substance and those proceedings are declared to be void and unlawful in a proper place, to apply to p. 115
such a Judge for Restitution would be an owning by Implication at least that he had an authority that in Reality he had not which I humbly Conceive would have been inconsistent with my duty and no advantage to my Clyent whose Effects were so far Spent when the Order of their Excellencies the late Lords Iustices came in, that Poulson was a Prisoner in Execution for debt and not worth a Groat

And as to any proceedings in the Provincial Court in a matter that was begun and finally determined in the Admiralty Court and the Decree of the Court Reversed I'm at a Loss how Mr Forward could have begun or brought it in the Provincial Court he being Defendant and Poulson who was the plaintiff and might have brought it never would, All which I submit to your Honours Consideration and am

May it please your Honours
Your most humble and Obedient Servant
Annapolis 2d Jany 1724 D Dulany

And this Board are further humbly of Opinion that it Evidently appears by the above answer of Daniel Dulany Esqr then Council for the said Mr Forward and by the said proceedings of the Governor and Council in December 1720 that the reason why the said Order was not enforced was that Poulson had Obtained the Effects by Virtue of the Proceed-

Lib. X. ings of the Court of Admiralty of this province and disposed thereof before the said Order of the 11th August 1720 Came to hand and was then in Goal and not able to make restitution

And it is further humbly advised by this Board that his
p. 116 Excellency would be pleased to Serve or Cause to be Served the Several Courts of Judicature before which these matters were depending and all other persons whom it may Concern with true Copies of the aforesd Orders of the 30th of April 1724 and the 4th July 1724 Requiring and Commanding them to take due Notice thereof

Of which Daniel Dulany Esqr Counsel for the said Forward to have notice

His Excellency the Governor having signified to this Honble Board that he has nothing of moment to lay before the Assembly in February next desires the Opinion of this Board what is a proper time for a further Prorogation

Whereupon this Board are of Opinion that the fourth Tuesday in March next being the 23d of the same month is the most Convenient time to which his Excellency Concurs

Ordered that proclamations issue Accordingly

Maryland ssr

By the Honourable Charles Calvert Esqr Captain General & Lieut Governor &c

A Proclamation

Whereas this present General Assembly stands Prorogued to the first Tuesday in February next being the 16th day of the same month and whereas there is no Business of Moment which Require their Attendance at that time I have therefore
p. 117 thought fit with the advice of his Lordships Council of State further to Prorogue the same and I do hereby further prorogue the same to the fourth Tuesday of March next being the twenty third day of the same month and to the Intent that all Persons Concern'd may have due Notice thereof I do Strictly Require and Command the several Sheriffs of this Province to make this my Proclamation publick in their Respective Counties in the usual manner as they will Answer the Contrary at their perill Given at Annapolis this sixth of January in the 9th year of the Dominion of the Right Honble Charles Absolute Lord and Proprietary of the Provinces of Maryland and Avalon &c Annoq Domini 1724

[Seal]

Iohn Smith of Annapolis Carpenter humbly moves the Board for the Payment of 3l . . 10s Current money for work by

him done to the Closet of the Council Room by Order of the Governor and Council Lib. X.

Ordered that the honble Colº Young and Benjª Tasker Esqʳ view the said work and if their Honours are of Opinion that the work deserves so much that then his Honour Colº Young is hereby Empowred to pay the same or so much thereof as shall be Adjudged reasonable out of the Money arising from the 3ᵈ ꝑ hhd sterling for Arms &c Provided nothing appearing upon the Iournals of this honble Board (Great part of which are not immediately to be found) to the Contrary

The humble Petition or Representation of John Moale and Daniel Russell on behalf of Jonathan Forward of London Merchant exhibitted here to the Board and is as followeth vizᵗ

To the Honourable Charles Calvert Esqʳ Lieutenant Governor of the Province of Maryland and to his Lordships honble Council p. 118

The humble Representation of the Factors of Jonathan Forward

Humbly Sheweth

That your humble Petitioners beg Leave to inform your Honours that whereas our Imployer Mʳ Ionathan Forward of London Merchant having Contracted with the Government of England for the Transportation of Convicted Persons and Felons to this or any other of his Majestys Plantations in America and there to Land them as ꝑ his Bond Given to the Government to that intent and also to make Sale of them to his most Advantage having by said Order of transfer a right and Property in their Service here for such Respective term of years as ꝑ an Act of Parliament made in the 4ᵗʰ year of his now Majestys reign may more at large appear, Pursuant to the aforesaid Contract and Authority by Act of Parliament the said Jonathan Forward sending a Certain Number of them in two Ships which being arrived in this Province at this Port of Annapolis Assigned to your Petitioners and others the said Forwards Factors here were by said Factors according to Law reported to the Naval Officer of said Port which fully Accomplishes the Bond aforesaid Given by said Forward to that purpose

Your petitioners humbly beg Leave to inform your Honours that we the said Forwards Agents are in Effect denied the Benefit of the property proposed by the said Act being p. 119 greatly hindered by the Corporation of this City of Annapolis by virtue of a Law as some have said of their own making for instead of having the Liberty to dispose of them to such

Lib. X. as think fit to purchase, are obliged to take them on Board again after they are disposed of For Instance your Petitioners having on the 19th of this Instant December disposed of two of them (to say) a Man and a Woman named Joseph Ashbee and Mary Mounteer to certain House keepers of said City and sending them to their Masters Houses were taken into Custody by Sheriff of said City and Carried before their Court in Order for Commitment without any Offence by them Committed here but meerly for being under the denomination of Convicts unless they themselves or some others for them would become bound in the Penal Sum of Fifteen Pounds Current Money for their good behaviour your Petitioners humbly Conceive by the aforesaid Act it is not any Part of the Contractors duty to enter into Bonds and recognizances for the Convicts Good Behaviour in any part of his Majestys Colonies in America that the Contractors did [n]ever expect to meet with any such Inconveniences your Petitioners are further very much hindered by being publickly threatned by a Certain Magistrate in this City that if one of your Petitioners should Land a number of them on Shore in Town that he the said Magistrate would send both the Convicts and your Petitioners to Prison how far the said Law made by the said Corporation is Agreable to the Statute of England aforesaid we humbly pray your Honours Consideration and how
p. 120 far it is consistent with the Lords Justices Dissent to a Law of like Nature in Virginia and also the Lord Baltimores dissent to the late Act of Assembly against their Importation here Now this is what your Petitioners humbly pray leave to lay before your Honours for your Consideration for without your Honours Relief we have only to Offer the late Law of said Corporation to Excuse us to our Imployer for not making such Returns as some of us heretofore in Virginia and other places have done we have only further to subscribe our selves with all due Regard Your Honours most Obliging most humble Servants

John Moale
Dan[l] Russel

To which Petition the said Corporation being called before us appear here at this honble Board and beg Leave to Answer the said Petition which Answer followeth in these words

To his Honour the Governor and his Lordships Honourable Council

May it please your Honours

On Perusal of the Representation of Mess[rs] John Moale and Daniel Russel to your Honours we find they alledge

they had fully Complyed with the Bond Given by Mr Forward but that they were denied in Effect the Benefit of the Property proposed by that Act being greatly hindered by the Corporation of this City by Virtue of a Law as some have said of our own making Lib. X.

We beg Leave to Assure your Honours that their Allegation is entirely false for we have made no such Law Nor have we Obliged them to take any of their Servants on board again after Landed nor denied them the Liberty of Selling p. 121 them nor done any Action that the Factors Can justly deem prejudicial to their Imploy unless Our Legal Discharge of our duty by requiring security for the good Behaviour of Persons of ill fame be such, which we hope your Honours will not think us Accountable for either to Mr Forward or his factors Nor ought we to Neglect our duty tho Mr Forward should lose Money by his Bargain or not get so much by it as he Expected nor does it Concern us if Mr Forward should think proper for the better Advance of his Sales to become Surety for their good behaviour nor do we any ways hinder him from making the best of his bargain nor ought he to hinder us from keeping the Peace; we hope in this the Govt will protect us

The Accusation the Factors make against one of the Magistrates we believe is misrepresented; it is affirmed by one of us that he was told Mr Moale said he would send the Convicts on shore and see who dar'd Commit any of them on which the Magistrate told Mr Moale if he heard him dare any Magistrate to do his Duty he would Oblige him and them too to give Security and if this be the instance the Factors mean we hope it is evident to your Honours as well by this as by other parts of their Representation at what a pragmatical height of Imperious Insolence they are raised by Mr Forwards Employ they are pleased to take upon them to Advise your Honours in matters of State and without their Sphere and yet pray remedy against us for Acting According to Law and our duty which if your Honours are not pleased to p. 122 oblige them in they in Effect say they must tell their Masters

May it please your Honours

If any Magistrate has transgressed the Law to the Prejudice of the Representors the Law is open for their Remedy and his punishment with which they had no need to trouble your Honours there being an ordinary Remedy

We hope the Representation of these Persons deserve no Encouragement from your Honours but that your Honours

Lib. X. will always support us and every other Magistrate in the Course of our duty against the Frivolous Complaints of such as shall endeavour to traduce us in Confidence of this we subscribe ourselves

Jany 2^{d} 1724 — Your honours most obedient humble Servant

Aldermen
- Th Bordley Recorder
- Amos Garrett
- John Beale
- Benj^{a} Tasker
- Vachel Denton
- Alex^{r} Frazer

Ordered that the said Moale and Russell be sent for to attend this Board immediately

By the Governor and Council Jany 2^{d} 1724

You are hereby required to attend this Board in Order to Support your Petition and to Offer what you have further to say in relation thereto

To Mr John Moale — Sign'd ꝑ Order
Capt D Russell — Geo: Plater Cl Con.

p. 123 Upon Considering the Petition and the Answer thereto which was read to the petitioners and having heard the Allegations of both parties and for that it is alledged by the Magistrates of the Corporation in their answer that they did not take up or Commit those persons (as Convicts and Consequently persons of evil fame) by any Law of their own making but what they did was by virtue of their duty as Magistrates and according to Law

Therefore this Board are humbly of Opinion that if they have Acted Contrary thereto the Petitioners have their Proper Remedy at Law to which they are Referred

Which is Ordered to be endorsed on the said petition and to be delivered to the Factors of the said Forward

Maryland ss^{t}

At a Council held at the Council Chamber in the City of Annapolis on Wednesday the 17th day of February in the

tenth Year of his Lordships Dominion &c Annoq Dni 1724/5 Lib. X.

Were Present

The honbłe Charles Calvert Esqr Govr

the honbłe	Col^o Samuel Young John Hall Esqr Col^o Thomas Addison Col^o Richard Tilghman John Rousby Esqr Benj^a Tasker Esqr	Members of his Lordships honbłe Council

Mr Attorney General having produced to this Board a deposition of Thomas Bordley Esqr in the words following vizt p. 124

The Deposition of Thomas Bordley aged 41 Years or thereabouts being sworn on the Holy Evangelist deposes that to the best of his Remembrance Mr Stephen Knight Clerk of Cecil County about the beginning of this month shewed him a deed which he said was Lodged with him to be recorded by or in favour of Vanhaesduck Riddlesden ałs Cornwallis which deed to the best of this deponants Remembrance bore date the 4th of January 1723 and was made as between Henry Bray Son and Heir of Henry Bray late of London Glazier &c and Roger Painter Son and Heir of Roger Painter late of Handover in Hampshire Brother to Nicholas Painter &c Katherine Painter Sister to Nicholas Painter Katherine Truder and some others and the several parties names mentioned as parties to the deed were wrote to Seals at the foot of the deed (Except Henry Brays) as Grantors and William Vanhaesduck Riddlesden ałs William Cornwallis was mentioned in the said deed as Grantee thereof but for better Certainty this Deponant refers himself to the said deed in the said Knights hands and further saith not

Sworn this 17th Feby 1724/5 Tho Bordley
Tho Addison

As also the Exemplification of the last will and Testament of Nicolas Painter and several Depositions taken before Edward Warham and Joseph Wimbleton Esqr two of his Majestys Iustices of the peace in the County of Southhampton on the 5th of November 1716 Authentically Attested by which and a Certificate signd by the Curate Church Wardens and p. 125 parish Clerk of the Parish of Andover in the County of Southhampton (likewise Authentically and duly Attested) it appears that Catherine Painter named as a Grantee in the deed mentioned in Mr Bordleys deposition was married to one Salmon above thirty years and dead above seven years before the

Lib. X. date of the said deed by which it is evident to this Board that the said deed is forged and designed to disturb several people in their possessions and right

It is therefore Ordered by this Board that the Attorney General prosecute the said Riddlesden als Cornwallis and direct the necessary process to be sent to the respective Countys where he may Probably be met with and the said Knight be Summoned to testify against the said Riddlesden and be Commanded to bring the said deeds &c

On Application made to the Board by John Young Armourer that his Sallary due the 11th of January last for Cleaning the Arms Attending the Council and other publick Services may be paid him

It is Ordered by this Board that Colo Samuel Young Treasurer of the Western Shoar be directed to pay the said John Young the same and the following Order was made out thereupon

By the Governor and Council Febr 17th 1724/5

You are hereby required to pay to John Young or Order the Sum of Forty Pounds Sterling being his Yearly Sallary for Cleaning the Arms &c Ending the 11th day of January last

p. 126 To the honble Colo Samuel Young Treasurer of the Western Shore

Sign'd p Order
Geo Plater Cl Concil

Maryland ss:

At a Council held in the Council Chamber in the City of Annapolis on Thursday the Eighth day of February in the tenth Year of his Lordships Dominion &c Annoq Dni 1724/5

Were Present

His Excellency Cha. Calvert Esqr Govr

the honble { Colo Samuel Young, John Hall Esqr, Colo Thomas Addison, Colo Richard Tilghman, John Rousby Esqr, Benja Tasker Esqr } Members of his Lordships honble Council

His Excellency the Governor acquaints this Board that he has no Business of Moment to lay before the Assembly which stands Prorogued to the fourth tuesday in March next therefore desires the Opinion of this Board whether it would not be proper further to Prorogue the same and what time may be most Convenient

Resolved that the third tuesday in Iune next being the 15th day of the same month will be a proper time to prorogue the same to Lib. X.

To which his Excellency Concurs

Thereupon Ordered that Proclamations issue accordingly

Maryland ss^t p. 127

By the honble Charles Calvert Esqr
Capt Genl & Lieu^t Governor &c

A Proclamation

Whereas this present General Assembly stands prorogued to the fourth Tuesday in March next being the 23d day of the same month and whereas there is no Business of moment which requires their attendance at that time I have therefore thought fit with the advice of his Lordships Council of State further to prorogue the same and I do hereby further Prorogue the same to the third Tuesday in Iune next being the 15th day of the same month and to the Intent that all persons Concernd may have due Notice thereof I do strictly Charge & Command the several Sheriffs of this Province to make this my proclamation publick in their respective Countys in the usual manner as they will Answer the Contrary at their perill Given at Annapolis this 25th day of February in the tenth year of the Dominion of the right Honble Charles Absolute Lord and Proprietary of the Province of Maryland and Avalon &c Annoq Dni 1724/5

Maryland ss^t

At a Council held at the House of Mr Francis Bowes in the City of Annapolis on Saturday the 20th day of February in the tenth year of his Lordships Dominion &c Annoq Dni 1724/5

Present

The honble Charles Calvert Esqr Govr

the honble	Col^o Samuel Young John Hall Esqr Col^o Thos Addison Col^o Richard Tilghman Col^o M. T. Ward John Rousby Esqr Benj^a Tasker Esqr	Members of his Lordships honble Council

Lib. X. Mr Iohn Caldwell lays before the Board an Estimate of the Charge of New Shingling the Council House and free School of this City which is as followeth vizt

	£	s.	d.
The Council House	95..	0..	0
The Free School with windows	74..	0..	0
in all	169..	0..	0

Resolved that this Board will take the same into Consideration and give him their Answer the third tuesday in May next.

Ordered that in the mean time the Clerk of this Board as well as the Clerk of the Visitors of the Free School give publick notice that if any other person or persons will more reasonably undertake the same that they lay their proposalls before this Board on the third tuesday in May next which notice was given as followeth vizt

Notice is hereby Given to any person or persons who will
p. 129 undertake to new Shingle the Council House of this City that they view the said building and be prepared to lay their proposalls before the Govr and Council on the third tuesday in May next being the 18th day of the same month at which time their Honours will receive the same

Annapolis 23d Sign'd p Order
February 1724/5 Geo Plater Cl Concl

Maryland sst

At a Council held in the Council Chamber at the City of Annapolis on Thursday the 20th day of May in the tenth Year of his Lordships dominion &c Annoq Dni 1725

Were Present

The honble Charles Calvert Esqr Govr

the honble { Colo William Holland, Colo Samuel Young, John Hall Esqr, Colo Thomas Addison, Philemon Lloyd Esqr, Colo Richard Tilghman, Colo M. T. Ward, James Bowles Esqr, Benja Tasker Esqr } Members of his Lordships honble Council

His Excellency the Governor and this Board taking into Consideration the ill Consequences that may attend the Shuano Indians entertaining our Negro Runaway Slaves and to prevent such an evil for the future have proposed to send Mr John Powell of Prince Georges County Gent to Shunano

Town upon Potomack to invite some of the principal Indians Lib. X.
of the same Town to meet his Excellency the Governor at the p. 130
house of Charles Anderson near Mononknisea at such time as shall be mentioned in his Excellencys instructions to the said Powell which Instructions follow in these words Instructions for Mr John Powell as followeth vizt

Imprimis You John Powell by the Appointment of the Governor and Council of this Province are to take to Your Assistance a proper Interpreter and Guide (and any other person for your Conveniency if you think fit) and to repair to the Shuano Town on Potomack (Commonly called Opessas Town) as soon as Conveniently you can and there to acquaint the Principal Indians of the said Town and on behalf of the Lord Baltimore and Charles Calvert Esqr present Governor of this Province to acknowledge the three Skins received by them in return of another present sent to them from our Governor by Charles Anderson and inform them of the Expectation we have had of seing them at Annapolis according to the Information we had of the said Charles Anderson but forasmuch as we Apprehend either from the Length of the way or the Unseasonableness of the weather they have not been able to come down we for their better Conveniency and to shew our Love and Friendship for them (and with desire to Live with them as Friends and Brethren) do Propose a meeting between our Governor and some of the Council with their chiefs and some of their Great men at the house of Charles
Anderson the fifth of August next but if the Indians cannot p. 131
precisely at that time meet then any time seven days before or after the said fifth day of August and there to enter into such Articles of peace and Friendship as shall be thought necessary for Cultivating an entire Friendship and Creating a good Understanding and Correspondency between our Government and the said Indians who will find our Governor ready to show himself a Friend to them upon all Occasions

2dly You are to take particular Care to make them understand the time appointed for such our meeting and to Endeavor by all reasonable means to perswade them to Come down and as an Inducement so to do you are to Present their chiefs with a Callico Shirt and a pair of Scarlet Worsted Stockings each and to distribute the four other Shirts amongst such as the chief Indians shall direct

Ordered that the said Shirts and Stockings be purchased by the Clerk of this Board for the use above mentioned

Which were accordingly purchased of Mr Garrett and Mr Beale vizt the Stockings of Mr Garrett & six Shirts of Mr Beale

Lib. X. At a Council held at the Council Chamber on Friday the 21st day of May Annoq Dni 1725

Present

His Excellency the Governor

p. 132

the honble	Colo Samuel Young Colo Thomas Addison John Hall Esqr Philemon Lloyd Esqr Colo Richard Tilghman Colo M Tilghman Ward James Bowles Esqr Benja Tasker Esqr	Members of his Lordships honble Council

In pursuance to some proposalls formerly laid before this Board by John Caldwell of Somerset County Carpenter for the New Shingling the Council House of this City the following Agreement is made between his Excy the Governor and Council and the said John Caldwell which Agreement is Ordered to be recorded and is as follows

Maryland Annapolis sst

Memorandum that it is this 21st day of May 1725 Agreed upon by and between his Honour the Governor and Council of the said province of the One Part and John Caldwell of Somerset County of the other part Witnesseth that the said John Caldwell for and in Consideration of Ninety five Pounds Currency to be paid him the said John Caldwell his heirs Executors Administrators or Assigns by their Honours upon finishing and Compleating the Articles hereafter mentioned vizt

Upon his own proper Cost and Charges (Glass and Nails only excepted which their Honours are to find the said Caldwell) to say to Shingle the Armory with three New Sash Windows Frames of Cedar or Cyprus to be made in full Proportion and Uniform to those of the Stadt House and the said
p. 135 Caldwell is at his own proper Costs and Charges to supply any Deficiency in Laithing the said Armory and Compleat the Covering of the said Armory equal in Goodness to that of the State House lately done by the said Caldwell all which work the said Caldwell promises to finish and Compleat Sickness Excepted by the last day of May Anno Dni 1726 next ensuing the date hereof

On the back of which Agreement is thus written An Account of the Glass and Nails which his Honour the Gover-

nor and Council within mentioned are to find & provide for Lib. X.
the within Caldwell for the Compleating the work within mentioned viz[t]

Four dozen of Sash Crown Glass ten by eight Inches in Bigness
Twelve thousand five hundred Six penny Nails
Twelve thousand five hundred eight penny Nails
Two thousand twenty penny Nails
Five hundred thirty penny Nails

Upon which Agreement being made it is Ordered by this Board that Col° Samuel Young Treasurer of the Western Shoar send to England by the first Opportunity for the Glass and Nails before mentioned and that the same be paid for out of the money Arising from the three pence ꝑ hhd for Arms &c.
Which Order is as followeth

By the Gov[r] and Council May 21st 1725

Sir
You are hereby required to send to England by the first Opportunity for four dozen of Sash Crown Glass Ten by eight Inches in Bigness, twelve thousand five hundred Six penny Nails, twelve thousand five hundred Eight Nails and p. 134
five hundred thirty penny Nails and to pay for the same out of the money arising from the three pence ꝑ hhd for Arms &c.

To the honble Col° Samuel Young Treasurer of the Western Shore

Sign'd ꝑ Order
Geo Plater Cl Concil

His Excellency the Governor desires the Opinion of this Board whether it is most Convenient further to prorogue the Assembly which stands prorogued to the third tuesday in July next) or to dissolve the same three years since their election the usual time of their sitting expiring the middle of July next
Whereupon it is the Opinion of this Board that the same be further prorogued to the first of July next and that if his Excellency does not receive any Instructions requiring their meeting on or before the ninth day of June next that then Proclamations of dissolution issue as well as writts of Election to choose a new Assembly returnable the fifth of October next then to enter upon Business
To which his Excellency Concurs

Lib. X. Maryland ss[t]

By the honbłe Charles Calvert Esq[r]
Cap[t] General & Lieu[t] Governor &c.

A Proclamation

Whereas this present General Assembly stands prorogued to the third tuesday in Iune next being the 15th day of the same month and whereas there is no Business of moment which Requires their attendance at that time I have therefore
p. 135 thought fit with the advice of his Lordships Council of State further to Prorogue the same and I do hereby further prorogue the same to the first of Iuly next and to the Intent that all persons Concern'd may have due Notice thereof I do strictly require and Command the several Sheriffs of this Province to make this my Proclamation publick in their respective Counties in the usual manner as they will Answer the Contrary at their Perill Given at Annapolis the 22[d] day of May in the tenth year of the Dominion of the right honbłe Charles Lord and Proprietary of the Provinces of Maryland and Avalon &c Annoq Dni 1725

At a Council held at the Council Chamber on Saturday 22[d] May Annoq Dni 1725

Present

The honbłe Charles Calvert Esq[r] Gov[r]

the honbłe	Col[o] Samuel Young Col[o] Thomas Addison John Hall Esq[r] Philemon Lloyd Esq[r] Col[o] Rich[d] Tilghman Col[o] M T Ward James Bowles Esq[r] Benj[a] Tasker Esq[r]	Members of his Lordships honbłe Council

The Governor is pleased to deliver himself to the Council as follows viz[t]

Gentlemen

Having the Honour to be appointed Lieu[t] Governor of this province by our Lord proprietor with the Approbation of our
p. 136 most Gracious Sovereign King George I think myself under an indispensable Obligation to maintain the Character Conferred on me and to resent to the utmost all Affronts that are Offered to it I must therefore lay before you a deposition concerning myself taken at the House of M[r] Thomas Bordley near two years ago & Concealed from me till last February (when by Accident I found it out) by which it will Appear how

most Grossly I have been treated by that Gentleman, In the first place I do declare I do not remember any thing that is so set forth in the deposition and it will plainly appear by Iobsons Oath Mr Bordley did write the beginning and the probate of it and it was Contrived that it should be taken in such a manner that the Iustices before whom it was taken knew not the Contents what use Mr Bordley has made of it I Cannot Conceive but it is a most Barbarous and unheard of proceeding for any person not to have the Liberty of knowing what is sworn against him and much more so from a Practitioner in the Courts of Maryland against his Governor for my part I do not think my self safe and I may very well expect by this unwarrantable proceeding the next thing that is sworn secretly against me will be Treason therefore Gentlemen I desire your Advice in this Case and that you will inform me what power I have to take notice of this proceeding Lib. X.

The Deposition above mentioned follows in these words

Thomas Iobson Aged Thirty Six years or thereabouts being sworn on the Holy Evangelist deposeth that during the time of sitting of the high Court of Appeals to wit about the ninth day of May last Captain John Young Doorkeeper to the Council came to this Deponent and told him the Governor sent for him whereupon this Deponent went up to the Council Chamber and after said Young went in leaving this Deponent at the door the Governor came out and ask'd this deponent how he came by these Bills that were passed from Cockey to Powlson (meaning as this dept understood the Bills for 600£ Sterling) this Deponent told him (to the best of his remembrance) the true state of the Case and thereupon the Governor told this deponent that he believed Forward would Appeal and that they were about giving Security to Appeal and that this Deponent must not deliver the said Bills for that if he did he would be put in Prison but this Deponent hath since heard and believes that after his Honour the Governor had spoke to this deponent as above the matter was Argued before his Honour the Governor and Council and that an appeal was Granted without taking Security for or about the debt but about the Accruing Cost only for more Certainty whereof this Deponent Refers himself to the proceedings of the said Court of Appeals p. 137

June 14th 1723

Sworn to as above before

Edm Benson
Cha: Hammond
Phil: Jones

Vera Copia

William Cumming Cl Appea

Lib. X. On which Deposition was thus endorsed

The within Deposition was taken at the house of Mr Thomas Bordley and that the said Deponent did ask the said Bordley in what manner he shoud draw the first part
p. 138 of the Deposition whereupon the said Bordley did write the words first in a Copy and the said deponent Cant remember that the said Bordley did anything more to the deposition than what first mentioned by the Depont and that the said Bordley has the Deposition amongst Poulsons papers

March 17th 1724 Thomas Iobson

Sworn to before me
Cha: Calvert

Sworn at this Board May 22d 1725

test Geo Plater Cl Concil

The said Thomas Iobson at this Board further deposeth by way of Explanation that to the best of his remembrance Mr Bordley only writt these words following Vizt (Thomas Iobson Aged thirty six years or thereabouts being Sworn on the Holy Evangelist deposeth that) and (June the 14th 1723 Sworn to as above before) being at the bottom of the said deposition and no more

Test Thomas Iobson
Geo. Plater Cl Concil

Whereupon Mr Bordley being Called before this Board was desired by the Governor to produce the Originall Deposition which he accordingly produced and upon perusall of the same the whole appears to be Mr Jobsons hand except the the two last Lines being Mr Griffiths and the date and probate being Mr Bordleys who himself at the Board Acknowledges that at Jobsons Request he did write the form of the Preamble on a piece of paper and gave it to the said Jobson and that when Jobson brought the Deposition again he writt the date and probate thereto but never intended to make any
p. 139 use of it nor was he any otherways concernd in it but apprehends that the said Iobson made that deposition Imagining it would be some excuse for his not delivering the Bills which were some time before demanded of him

Upon the Governors asking the said Bordley why he Concealed the said deposition for two years without acquainting his Excellency he answered that it was accidentally put up

amongst Powlsons papers as a thing of no Consequence and therefore did not Concern himself any further about it Lib. X.

Upon which Mr Iobson was again Sworn who deposed as followeth

That the said Bordley was no ways a Promoter Adviser or Instigator in the taking the said Deposition (otherwise then as aforesaid) but that it was Intirely done by him the said Iobson and necessary as he Apprehended for his own safety in delivering up the Bills mentioned in the said deposition

Sworn to at this Board Thomas Iobson

test

Geo Plater

Whereupon this Board humbly Answer his Excellency as follows

May it please your Excellency

Having taken into our serious Consideration the matter referred to us in relation to the powers necessary for the taking notice of the proceedings of sundry Persons at the taking the Depositions of Thomas Iobson which your Honour was pleased to lay before us we are humbly of Opinion by the Allegations of the said Bordley and by the depositions of the said p. 140
Iobson this day taken at our Board Concurring therewith that no Affront was designed to the person of the Governor of Maryland in the manner of Giving that Deposition Altho there was just Grounds of Suspecting it until the Circumstances of that Affair had been specially inquired into for the Deponent seems to us in the reason as well as in the manner of giving that Deposition to have no other views than those of Iustifying himself in case any Clamours which he was then very much afraid of should be made against him for the restitution of those Bills of Exchange in the Deposition mentioned from the Parties to whom they had been adjudged by the Courts

Wee presume therefore to advise your Honour that in our humble Opinion the use of powers not supported by Law is the only means whereby some people may have a handle for Censuring your Honours proceedings with Impunity and therefore hope your Honour will Concurr with us in believing that the use of powers in the present Case are altogether unecessary and Inconvenient

Ordered by their Honours that search be made amongst the Council Records for a Commission formerly Granted to the Council of this province and produced at the next sitting of this Board

Lib. X. Maryland ss[t]

At a Council held at the House of Col[o] Samuel Young on Wednesday the 14th day of Iuly Annoq Dni 1725

Were Present

His Excellency Cha: Calvert Esq[r] Gov[r]

p. 141 the honble { Col[o] Samuel Young, Col[o] William Holland, Col[o] Thomas Addison, Benj[a] Tasker Esq[r] } Members of his Lordships honble Council

The Clerk of this Board produces the Council Commission which he was Ordered to search for

His Excellency the Governor acquaints the Board of his Intention of meeting the Shuano Indians next month pursuant to a Message lately sent to them from this Board by M[r] Powell to settle Articles of peace with them whereupon it is advised that the Articles Already entred into with the Cenestogoe Indians &c are proper Articles to be Concluded and Agreed to with the said Shuano Indians and it further thought necessary by this Board that his Excellency upon making such Treaty with them present them with one Dozen Callico Shirts and Shifts Six Match Coats and as much powder and Shott as his Excellency shall find to be proper and to make a reasonable Bargain with the said Indians for bringing down those Negroes already amongst them or as shall hereafter run to them as his Excellency at his discretion shall think fit

And it is further the Opinion of this Board that whatever Negroes shall be brought down by the said Shuano Indians be and remain in Custody until the sence of the Assembly of this province be known in Relation thereto

His Excellency Charles Calvert Esq[r] Qualifies himself at this Board as Chancellor of Maryland and Keeper of the
p. 142 Great Seal thereof by taking the several Oaths appointed to be taken by Act of Assembly subscribing the Oath of Abjuration and Test and taking the Oath of Chancellor

Maryland ss[t]

At a Council held at the House of Charles Anderson at Mononkisie on Friday the 6th day of August Anno Dni 1725

Present

His Excellency Charles Calvert Esq[r] Gov[r]

the honble { Col[o] Tho[s] Addison, Benj[a] Tasker Esq[r] } Members of his Lordships honble Council.

His Excellency Acquainting this Board that the Shuano Indians not meeting his Excellency there Resolved that Israel Friend be sent up immediately to the said Indians with the following Instructions Lib. X.

Instructions for Israel Friend from his Excellency Charles Calvert Esqr Governor of Maryland to the Shuano Indians on Potomack as followeth Viz^t

You are to Acquaint them that you saw the Govr of Maryland with several of his Council and other Gent attending him at the House of Charles Anderson on the 5th of August pursuant to the Agreement made with the said Indians by Mr Powell and that he came with no other View or Intention but to Confirm a lasting Peace and setled Friendship with them and to that end brought several presents with him to be delivered them upon the Conclusion of such Treaty

You are further to inform them that the Governor was much Suprized at their not meeting him at the time Appointed and that he fears some ill designing People has misrepresented us to them but that if they will come down to our chief City of Annapolis at the time of our Great Assemblys meeting which will be the fifth of October next being sixty days from the date hereof they shall meet with a kind and friendly Reception p. 143

Sign'd
Cha: Calvert

Maryland ss^t

At a Council held at the House of his Excellency in the City of Annapolis on Tuesday the 5th day of October in the Eleventh year of the Reign of our Sovereign Lord King George and in the tenth year of his Lordship the Lord Proprietarys Dominion &c Annoq Dni 1725

Were Present

His Excellency Charles Calvert Esqr Govr

the honble { Col^o William Holland, John Hall Esqr, Col^o Thomas Addison, James Bowles Esqr } Members of his Lordships honble Council

The General Assembly of the Province being to meet this day pursuant to the writts of Election there being not a sufficient number of the Upper House met to proceed upon Business it is therefore resolved by this Board that the same be prorogued till to morrow this 6th Instant to which his Excellency Concurs

Which proclamation issued accord^gly p. 144

Lib. X. Maryland ss[t]

By the Hon[ble] Charles Calvert Esq[r] Cap[t] Gen[l] & Lieu[t] Governor

A Proclamation

Whereas this present General Assembly was to meet this day being the 5th day of October pursuant to the writts of Election and whereas there is not a sufficient Number of the Upper House met to proceed on Business I have therefore thought fit with the advice of his Lordships Council of State to prorogue the same and I do hereby prorogue the same to Wednesday the 6th Instant and to the Intent that all persons Concern'd may have due Notice thereof I do strictly require and Comm[d] the Sheriff of Ann Arundell County to make this my Proclamation publick in the usual manner as he will Answer the Contrary at his Peril Given at Annapolis this 5th day of October in the tenth year of his Lordships Dominion &c Annoq Dom 1725

His Excellency the Governor Acquaints this Board that his Lordship the Lord Proprietary has by his Commands to his Excellency Constituted Philip Lee Esq[r] a member of his Lordships Honble Council

Whereupon the said Philip Lee takes the several Oaths to the Government appointed by Law & Likewise the Oath of a Councillor and Subscribed the Oath of Abjuration and Test and took his place at the Board Accordingly

Maryland ss[t]

p. 145 At a Council held at the Council Chamber in the City of Annapolis on Wednesday the 23[d] day of March in the Year of the Reign of our Sovereign Lord King George and in the eleventh year of his Ldshp the Lord Proprietarys Dominion &c Annoq Dni 1725/6

Were Present

His Excellency Charles Calvert Esq[r] Gov[r]

the honble { Col[o] William Holland, Col[o] Thomas Addison, Col[o] M. T. Ward, John Rousby, Benj[a] Tasker, Philip Lee } Esq[rs] } Members of his Lordships honble Council

His Excellency the Governor asks the Opinion of this Board who they think a proper person to Lodge the Money

with pursuant to the Direction of an Act of Assembly made Lib. X.
last session to encourage the takers of Runaway Slaves that shall be taken up by any person and brought in from the Back woods who are of Opinion that Mr John Powell of prince Georges County is a proper person to be entrusted with the same

Ordered that the Clerk of this Board draw an Order on Samuel Young Esqr Treasurer of the Western Shore payable to the said Powell or Order for 30l Currency and deliver the same to the said Powell with a Copy of the said Act

His Excellency the Governor Acquaints this Board that his Lordship the Lord Proprietary has Commanded him to Appoint Nicholas Lowe Esqr his Lordships Agent A Member of p. 146
his Lordships honble Council

Whereupon the said Nicholas Lowe Esqr being called in takes the several Oaths to the Government appointed by Act of Assembly subscribes the Oath of Abjuration and Test and likewise takes the Oath of a Councillor and took his place at the Board accordingly

Ordered that the Clerk of this Board draw an Order on Samuel Young Esqr payable to John Young for his years Sallary due to him in January last

Which was done accordingly

At a Council held at the Council Chamber at the City of Annapolis on Saturday the 21st day of May in the twelfth year of the Reign of our Sovereign Lord King George and in the eleventh year of his Lordship the Lord Proprietarys Dominion &c Annoq Dni 1726

Were Present

The honble Charles Calvert Esqr Govr

the honble { Col° William Holland, John Hall Esqr, Col° Thomas Addison, Philemon Lloyd Esqr, Col° Richard Tilghman, Col° M. T. Ward, James Bowles Esqr, Benja Tasker Esqr } Members of his Lordships honble Council

His Excellency lays before this Board petitions from the Inhabitants of several of the Countys of this province praying that an Assembly may be immediately Called for the relief of Tobacco the Staple of this province and desires the Opinion p. 147
of this Board in relation thereto

Lib. X. Resolved that the Assembly be convened (according to the prayers of the said petition) on the second tuesday in July next to which time the same stands prorogued and that Letters be dispatched by the Clerk of this Board to the Several Sheriffs of this province Commanding them to Give their respective members of each County Notice thereof

Ordered that a Letter be sent from this Board to the Assembly of Virginia now sitting relating to the Tobacco Law and that the Expence thereof be defrayed by the publick which Letter was accordingly sent by Samuel Harvey of Annapolis and is as follows viz[t]

Gentlemen

The melancholy Circumstances of the Tobacco Trade the Staple of your Colony as well as of the province of Maryland is now reduc'd unto calls loudly upon the Legislature of both places for some speedy relief and as we have been already made sensible that the single endeavours of one plantation have come short of those advantages which might reasonably have been expected from a Law to prevent the making of Great Quantitys of Trashy and Scentless Tobacco, in Case the other Tobacco plantation had also Given into the same Measures or fallen upon regulations something like thereunto

We therefore the Governor and Council of the province of Maryland have therefore thought it expedient upon the present Conjuncture of a Sessions of Assembly now sitting (as it
p. 148 is said) in Virginia to Advertize of a General disposition in the Inhabitants of this province towards the making of a Tobacco Law with such regulations therein as may release the trade from that Oppressive Burthen which it now Labours under of mean Trashy Tobacco

But forasmuch as it is apprehended that Laws made for the Reforming the Culture and Management of the Staple of Tobacco (the different Circumstances of the places Considered) would be most Conducive to the publick good the only thing which we have now in view when near as may be alike and with the same restrictions and regulations therein it would be very pleasing therefore if we might have a Scetch of your proceedings in Virginia with relation to the Tobacco Law which is said to be under the Consideration of the Legislature in the present Sessions of Assembly for altho our Zeal for the Improvement of the Tobacco Trade hath always been equal to that of our Neighbours yet the different notions and Conceptions which men often times Conceive of the same end which they are equally Zealous in the pursuit of have hitherto Obstructed all our endeavours that way until now that the Exigencys of our trade and the necessitys of our people have

opened their Eyes and put them upon petitioning of them- Lib. X
selves for the very same thing which they rejected when heretofore tendered to them but now the face of things seems to be quite altered and the peoples Expectations Centre in a Tobacco Law only we therefore hope for a happy issue from the proceedings of our next Sessions which is to begin upon the second tuesday in July next

We beg of your Honour and the honble Members of the Council of Virginia to believe that this present application hath no other foundation than an ambitious desire of Shewing p. 149
our Zeal for the Common good by falling into the same or measures something like them which shall be or may have already [been] Concerted amongst you for the Advancement of the Tobacco Trade. This information we are in hopes Gentlemen will not be unacceptable to you nor yet the Assurance of our Zealous Inclinations for Cultivating a near and more particular Correspondency between the two Governments than hath hitherto Subsisted which we promise our selves will be as Agreable to you as the prospect of Advantages thereby are to Gent

Your most Obedient humble Servts

Charles Calvert
Willm Holland
Thos Addison
John Hall
Phile: Lloyd
Richd Tilghman
M. T: Ward
James Bowles
Benja Tasker

Superscribed to the Honble
Hugh Drisdale Esqr Governor
and to the Honourable the
Members of the Council of his
Majestys Colony of Virginia
Annapolis May the 21st 1726

James Bowles Esqr informs this Board that he is appointed Church warden of all Faiths parish in St Marys County and desires the opinion of this Board whether it is not an Indignity Offered to a Member thereof

Ordered that the Clerk write to Mr Scott Rector of that parish desiring him and the parishioners to elect another in his stead which was accordingly done

Mr Caldwell complains to the Board that the Nails sent for p. 150
by the Treasurer by Order of the Governor and Council are not proper for his work

Ordered that he supply himself with such Nails as are wanting to finish the Shingling of the Council Room to be paid for out of the 3d ꝑ hhd for Arms &c and that Benjamin Tasker Esqr is appointed by this Board to Supervise the Shingling done to the Council Room and settle the Payment for the same with the said Caldwell and that the Clerk by his

Lib. X. direction give an Order for so much money as is to be paid him on the Treasurer of the Western or Eastern Shore out of the 3d p hhd for Arms &c.

At a Council held in the Council Chamber at the City of Annapolis on friday the third day of May in the twelfth year of the Reign of our Sovereign Lord King In the eleventh year of his Lordship the Lord Proprietarys Dominion &c Annoq Dni 1726

Were Present

The honble Charles Calvert Esqr Governor

the honble { Colo William Holland
Philemon Loyd Esqr
Colo Richard Tilghman
Colo M. T. Ward
Benjamin Tasker &
Nicholas Lowe Esqrs }

His Excellency delivers to this Board an answer from the Govr and Council of Virginia to their Letter lately sent to them which Answer is as follows

Williamsburgh May 27th 1726

Gentlemen

It was with much Satisfaction that we received yesterday the Honour of your Letter of the 21st Instant which brought us the Agreable Account of the disposition of your Province
p. 151 to Enter into Measures for Improving that Trade by which both Governments subsists

We are very Sensible that the fall of the Value of Tobacco in Great Brittain has been too much owing to the want of a Good Understanding between the two Tobacco Plantations and their mutual Endeavours to Amend the Quality and advance the Value of our Staple Commodity and shall be glad if the measures we have taken here for that purpose prove agreable to the Circumstances and Inclinations of the People of your Province

But as we have now under Consideration a Bill which we Judge of Consequence to keep up the Price of Tobacco in the European Markets and which hath not yet had its Progress through the Lower House of Assembly (as we hope it will) we must defer giving you a further Answer till the Conclusion of this Sessions which is expected next week and then we shall not fail to Transmit to you Copys of the

several Laws subsisting which Concern the Tobacco Trade Lib. X.
and shall be ready on all Occasions to give you Proofs of our hearty desire to Cultivate a good Correspondence with your Government and of the particular respect with which we are Gentlemen

Superscribed To the Your most Obedient humble Servants

Honble Charles Calvert Esq[r]	Hugh Drysdale
Governor of his Majestys Province	Robert Carter
of Maryland and to the Honble	James Blair
Council of the said Province	Cole Diggs
Maryland	Peter Beverly
	John Robinson
	John Carter
	John Grymes

At a Council held in the Council Chamber at Annapolis p. 152
on May the 4th 1726

Were Present

The honble Charles Calvert Esq[r] Governor

the honble { Col[o] William Holland, Philemon Lloyd Esq[r], Col[o] M T Ward, Benjamin Tasker & Nicholas Lowe Esq[rs] }

The petition of the Pocomoke and Assateague Indians in Somerset County being read Complaining that John Parker John Parker Jun[r] and John Murray have entered their Towns against their will and have made Plantations so near that they shall Quit their said Towns unless they be removed

Ordered that the Clerk of this Board write to the Sheriff of Somerset County to summon the said John Parker, John Parker Jun[r] and John Murray to be and appear before the next General Assembly on the Second tuesday in July next to which time the same stands Prorogued to Answer the Complaint alledged against them by the said Indians

And thereupon the following Letter was prepared and directed to the Sheriff of Somerset County

By the Governor and Council
May the 4th 1726

Sir

Complaint having been made to this Board by the Pocomoke and Asseateague Indians that John Parker John Parker jun[r] and John Murray and some others have taken Possession

Lib. X. of their Lands Contrary to the Faith and treaty with the said Indians the Honour of this Government and in Contempt of
p. 153 the Laws in such Cases made and provided you are therefore hereby required to Summons the said John Parker John Parker junr and John Murray to be and Appear before the next General Assembly to be held at Annapolis on the second tuesday in Iuly next being the day of the same month to answer the said Complaint and thereof to fail not as they will Answer the Contrary at their Perill

Superscribed — Sign'd p Order
To Francis Allen high Sheriff of Somerset County — Geo Plater Cl Concil

At A Council held in the Council Chamber at the City of Annapolis on Wednesday the 20th of July in the 12th year of the Reign of our Sovereign Lord King George In the Eleventh year of his Lordship the Lord Proprietarys Dominion &c Annoq Dni 1726

Were Present

The honble Charles Calvert Esqr Governor

the honble
- Colo William Holland
- John Hall Esqr
- Colo Thomas Addison
- Colo Mathew Tilghman Ward
- Philemon Lloyd Esqr
- James Bowles Esqr
- John Rousby Esqr
- Benjamin Tasker Esqr
- Philip Lee Esqr
- Nicholas Lowe Esqr

His Excellency lays before this Board a Letter from the Governor and Council of Virginia which is Ordered to be recorded and is as follows vizt

Gentlemen — Williamsburgh June the 25th 1726

According to what we had the Honour to write you last
p. 154 month by your Messenger we now send you the Copys of three Laws now Subsisting for the Improvement of our Tobacco Trade and shall be glad if any of the Regulations thereby established prove Agreable to the dispositions and Circumstances of the people in your Province

The Bill which in our last we mentioned to be then under Consideration in Assembly was rejected by the House of Burgesses and the chief Reason was because it had a restraint upon the People and Shipping of Virginia while those of your Province were at Liberty to supply the marketts at home at

any season of the year and not being sure that Maryland Lib. X.
would come into any such Restriction they thought it not Adviseable to pass a Law which gave their Neighbours so great an Advantage over them and thus a project miscarried which we Iudged would have proved useful to the Trade by preventing that unseasonable supplying the Brittish Markets with new Tobacco before the Old Crop can be sold of; which is certainly one Great Cause of keeping the price of that Commodity so low

We send Inclosed a Copy of that Bill as it was prepared by the Upper House and if on perusall of it your Assembly shall think fit to Come into like measures we shall be Glad to receive timely advice being in hopes it will meet with no Obstruction in the next Session of Assembly which now stands Prorogued to the Seventeenth of November

We Cannot but greatly Commend that publick Spirit and Zeal with which you are pursuing the Common Good of all those Concernd in the Tobacco Manufacture and do assure you on our parts of a hearty Concurrence with you in promoting that laudable design, being with great Truth and respect p. 155

for his Majestys especial Service

Gentlemen
Your most Obedient humble Servants

Hugh Drysdale
Robert Carter
James Blair
Phil Ludwell
Cole Diggs
Peter Beverly
John Carter
John Grimes

To the honble Charles Calvert Esqr Governor and Captain General of his Majestys Province of Maryland and to the honble Council of the said Province

Virginia June 27th 1726
W Robertson Cl Concil

Ordered that the Clerk of this Board draw an Order on Colo Samuel Young payable to John Smith Carpenter for ten Shillings Currency for Supporting the Floor of the Council Room and finding Stuff

Which was done accordingly

The following Answer was prepared and sent to the Honble

The Governor of the Colony of Virginia and the Honble the Council of the said Colony in Answer to their Letter of 25th of June last which was Ordered to be entered vizt

Gentlemen

Annapolis July 25th 1726

Its with a Great deal of Concern that we are to acquaint you that this Sessions of Assembly is now to come to a Conclusion without affording us any occasion of doing ourselves the Honour of Communicating to you the Agreable News of

Lib. X. our Burgesses Concurring in the same Sentiments with our People in relation to a good and beneficial Tobacco Law so necessary at this time both for the preservation of great Numbers of our Good people of Maryland and for the Improving the Staple thereof

p. 156 It hath been Agreed by a Majority in both Houses that a Tobacco Act is highly necessary but the means of doing it appears to have been attended with such a variety in Opinions that we to our Great dissatisfaction have not been able to Reconcile them nor to enact any thing for the good of the Staple tho very much wanted and earnestly pressed for by the People

We highly approve of the method proposed in your Bill for limiting and Restraining the time of Shipping Tobacco the Advantages whereof are so Obvious that no reasonable man would willingly be debarred of them but such is the Temper of our Burgesses (having different views as well as different Conceptions) In the means of Advancing the Common good that one part of them chose to be deprived of the advantages flowing from a good Tobacco Law rather than give into the the measures of bringing it about

We are sorry to say that our Endeavours for the publick Good have proved so unsuccessful partly owing to the late Season of the year which is so far advanced that most People will have housed their Crops before the Tellers with the Requisites previous to their Appointment could well be adjusted. But we shall Always be in hopes that a favourable Construction will be put upon our late advances towards a friendly Correspondency with the Neighbouring Colony of Virginia and that you will believe we had no other thing in view (by the proposing of a beneficial Tobacco Law, than a General Advancement of the Staple of Tobacco by a mutual concert between the two Colonies that we shall Always be ready to put in our Mite along with Virginia towards the Accomplish-
p. 157 ment of so desirable an end which that it may soon be brought about is the Hearty desire of

Gent
Your most Obedient humble
Servants
Cha Calvert
William Holland
John Hall
Thomas Addison
Philemon Lloyd
James Bowles
Benjamin Tasker
Philip Lee
Nicholas Lowe

Superscribed
To the Honble Hugh
Drysdale Esq[r] Governor and
Captain General of his Majestys
Colony of Virginia and to the
Honble Council of the said Colony
Virginia

July 25th 1726
Geo Plater Cl Concil

At a Council held in the Council Chamber at the City of Annapolis on Wednesday the 26th day of October in the 13th Year of the Reign of our Sovereign Lord King George in the 11th Year of his Lordship the Lord Proprietarys dominion &c Annoq Dni 1726 Lib.

Were Present

The honble Charles Calvert Esqr Governor

the honble { Col° William Holland, Col° Thomas Addison, Philemon Lloyd Esqr, Col° Richard Tilghman, Benjamin Tasker Esqr, Philip Lee Esqr } Members of his Lordships honble Council

The following Complaint made to Philemon Lloyd Esqr a Member of this Board by Robin chief of the River Indians was read vizt

That the English Obstruct and Deprive them of Hunting Beavors and that Iohn Elliott tells the Indians that the Branch on which the Beaver damn is made is his land and therefore will not Suffer the Indians to hunt there for Beavor tho the Rent of their Lands is to be paid in Beavor Skins p. 158

2dly That they are threatned and forewarned to Hunt in the Neck called Privey Neck and Cedar neck William Pepper in Ricey Neck John Collins Cesar Godin and Thomas Robinson in Cedar Neck threatning to beat them and break their Guns and Cesar Godin to make the Indians more Afraid beat one of the Young men with a Hicory Stick about two Years ago

Indian George of the same Nation Complains that the last Summer a little before Cherry time he was met in Dorset County Forrest by one Iohn Howard who had several times threatned this Complaint that if he met him in those woods a hunting that he would beat him and break his Gun but at the time aforesaid finding he had three Green Skins on his Back he tax'd him with hunting in his woods Notwithstanding his prewarning and then seiz'd his Gun and brake it broke his head knockt him down with it and left him for dead and that he lay ill of the wound 3 days at Lance Harwoods where he got with the Assistance of his wife who was in the woods with him

Ordered that the Clerk of this Board make out Summons Directed to the Sheriffs of Somerset and Dorset Countys for the persons before mentioned as also for Philemon Le Compte and Isaac Nichols that they be and appear at the City of Annapolis at the next Session of Assembly that shall

Lib. X. happen after the date hereof to Answer the Complaint Exhib-
p. 159 ited against them by the said Indians

Ordered that the Summons that Issued in May last against Iohn Parker John Parker jun^r and John Murray directed to the Sheriff of Somerset County be renewed

Which Summons Issued Accordingly

His Honour the Governor asks the Opinion of this Board whether the Arms now in the Council Chamber designed for the Several Countys of this Province should not be sent to the seperate Countys the proper Officer of each County Applying for the same who are of Opinion that it would be more proper to postpone the same till the next Sessions of Assembly

His Honour the Governor having nothing of moment to lay before the Assembly on the 2^d Tuesday in November next to which time the same stands prorogued desires the Opinion of this Board what time will be proper further to Prorogue the same to who are of Opinion that the 2^d Tuesday in February next is the most proper time

To which his Honour Concurs

Ordered Proclamations issue accordingly

Maryland ss^t

By the Honble Charles Calvert Esqr
Captain General & Lieu^t Governor &c

A Proclamation

Whereas this present General Assembly stands Prorogued to the Second Tuesday in November next being the Eighth day of the same month and whereas there is no Business of moment which requires their Attendance at that time I have therefore thought fit with the advice of his Lordships Council of State further to Prorogue the same and I do hereby further Prorogue the same to the 2^d Tuesday in febru-
p. 160 ary next being the 14th day of the same month and to the Intent that all persons Concernd may have due Notice thereof I do strictly require and Command the several Sheriffs of this Province to make this my Proclamation publick in their respective Counties in the usual manner as they will Answer the Contrary at their Perill Given at Annapolis this 26th day of October in the Eleventh Year of the dominion of the right Honorable Charles Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore &c Annoq Dni 1726

At a Council held in the Council Chamber in the City of Annapolis on Saturday the 20th of May in the Thirteenth

Year of the Reign of our Sovereign Lord King George and in the twelfth Year of his Lordship the Lord Proprietarys Dominion &c Annoq Dni 1727 Lib. X.

Were Present

The honble Charles Calvert Esqr Govr

the honble { Col^{o} William Holland, John Hall Esqr, Col^{o} Thomas Addison, Phile Lloyd Esqr, John Rousby Esqr, Nicholas Lowe Esqr } Members of his Lordships honble Council

The representation of the honble Philip Lee Esqr being produced to this Board and Read it is Ordered that Mr Nicholas Sewall jun^{r} Exe^{r} of Henry Sewell late of St Marys County dec'd be served with a Copy thereof and that the said Nicholas be and Appear at this Board on the third day of the next Sessions of Assembly to make his Objections to the said Representation if any he has thereto

Which Copy a Summons Issued accordingly p. 161

Ordered that the Clerk of this Board draw an Orderon Col^{o} Samuel Young Treasurer of the Western Shoar payable to John Young for forty Pounds Sterling for his years Sallary due in January last

Which was done accordingly

His Honour the Governor asks the Opinion of this Board what time will be proper further to Prorogue the Assembly in Case the Honourable Benedict Leonard Calvert who is expected in Governor shou'd not Arrive a Convenient time before the 2^{d} Tuesday in Iuly to which time the same stands Prorogued who are of Opinion that the 2^{d} Tuesday in October is the most proper time

To which his Honour Concurs

Ordered that the Clerk of this Board give timely Notice to the respective members of the Upper House of Assembly when the same members shall be appointed to meet in Order to proceed upon Business

Maryland ss^{t}

Be it Remembered that on the Third day of July in the Thirteenth year of the Reign of our Sovereign Lord King George by the Grace of God of Great Brittain France and Ireland King Defender of the Faith &c and in the twelfth year of the Dominion of the right Honourable the Lord Baron of Baltimore Absolute Lord and Proprietary of the Provinces of Maryland and Avalon &c Annoq Dni 1727 at

Lib. X. his Lordships Court House in the City of Annapolis appeared the Honourable Benedict Leonard Calvert Esqr in the presence of the Honble Col^o William Holland Philemon Lloyd Esqr Col^o Mathew Tilghman Ward John Rousby Esqr Benj^a
p. 162 Tasker Esqr and Philip Lee Esqr Members of his Lordships honble Council with divers other Gentlemen and Inhabitants of this province and Produced his said Lordships Commission Constituting and Appointing him the said Benedict Leonard Calvert Captain General and Governor in chief in and over this his Lordships Province and the Islands and Territorys thereunto belonging and Vice Admiral of the same which said Commission bearing date the 14th day of March Anno Dni 1726 was then read and Solemnly published and Recorded in the Secretarys Office

After which his Excellency the Governor and his Lordships honble Council then present withdrew to the Council Chamber

PROCEEDINGS

OF THE

COUNCIL OF MARYLAND

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

BENEDICT LEONARD CALVERT, ESQ.
Governor.

1727–1731.

At the Council Chamber in the City of Annapolis July the 3d 1727 Lib. X.

Present

His Excellency Benedict Leonard Calvert Esqr Governor

The Honble	Colo William Holland Philemon Lloyd Esqr Colo M. T. Ward John Rousby Esqr Benjamin Tasker Esqr Philip Lee Esqr	Members of his Lordships honble Council Geo Plater Clk

His Excellency the Governor then took the several Oaths Appointed to be taken by Act of Assembly of this province as also the Oath following being pursuant to the Oath heretofore taken by Proprietary Governors and Conformable to the Oaths taken by the Kings Governors and advised by this Board to be taken by his Excellency the present Governor vizt

I Benedict Leonard Calvert do swear that I will be true and faithful to the Right Honourable Charles Lord Baron of Baltimore the true and Absolute Lord and Proprietary of this Province of Maryland and his heirs and them his and their Royal Iurisdictions and Seignorys all and every of into and over this his Province of Maryland the Islands and Territories thereto belonging I will at all times defend and maintain to the utmost of my power and will never accept any place Office or Employment within the said province any ways Concerning or relating to the Government thereof from any person or Authority but by from or under a Lawful Authority derived or to be derived from his Lordship his heirs or Assigns I will faithfully serve his Lordship as his Governor or Commander in chief of the said province and in all other Offices Committed to my Charge by his said Lordship's Commission or Commissions to me and will willingly yield up the said Commission or Commissions again and all Offices powers and Authorities Granted or to be Granted by them or any of them into the hands of his said Lordship and his heirs and Assigns or to such person or persons as he or they shall appoint whensoever he or they shall Appoint me so to do and shall signify the same unto me and will not presume to put in Execution or Attempt to Execute any Office power or Authority Granted unto me by any of the said Commissions after that his said p. 163

Lib. X. Lordship or his heirs or Assigns Lords and proprietarys of the said Province shall repeal them or any of them respectively and that the said Repeals be published within this province I will do equal right and Justice to the poor and to the rich within this Province to the best of my Skill Judgment and Power according to the Laws and Ordinances of the said province and in default thereof according to my Conscience and
p. 164 best Discretion and the power Granted or to be granted unto me by any of the said Commission or Commissions I will not for fear favour or Affection or any other Cause hinder or delay Iustice to any but will truly Execute the said Office and Offices respectively according to his said Lordships Commission to me in that behalf and to the true Intent and meaning thereof and not otherwise to the best of my understanding and Judgment I will not know of any attempt against his said Lordships Person or his right or dominion into and over the said province or the People therein but I will prevent resist or Oppose it to the utmost of my Power and make the same known with all Convenient speed to his said Lordship and I will in all things from time to time as Occasion shall require faithfully Counsel and Advise his said Lordship according to my heart and Conscience So help me God

His Excellency the Governor also took the following Oaths Appointed by the Acts of the Twelfth of King Charles the Second and the seventh and Eighth of King William the third in the following words viz[t]

I Benedict Leonard Calvert Governor of his Lordships Province of Maryland do Solemnly swear that I will do my utmost that every the Clauses matters and things Contained in the several following Acts of Parliament of his Majestys Kingdom of Great Brittain (viz[t]) an act intituled an Act for Increasing Shipping and Navigation made in the twelfth year of the Reign of the late King Charles the second another Act made in the fifteenth year of the Reign of his said late Majesty Intituled an Act for Encouragement of Trade another Act made
p. 165 in the twenty second and twenty third years of his said late Majestys Reign Intituled an Act to prevent planting Tobacco in England and for Regulating the plantation Trade another act made in the twenty fifth year of his said late Majesty intituled an act for the Encouragement of the Greenland and Eastland Trades an Act made in the Seventh and eighth years of the reign of the late King William the third intituled an act for Preventing Fraud and Regulating abuses in the plantation Trade an Act for the Encouraging the Importation

of Naval Stores from her Majestys Plantations in America Lib. X.
made in the third and fourth years of the reign of her late Majesty Queen Ann so far as it is Continued and Explained by an Act giving further Encouragement for the Importation of Navall Stores &c made in the Eighth year of the Reign of his present Majesty King George and to Permit the Exportation of Irish Linnen Cloth to the Plantations &c made also in the third and fourth years of the same Queens Reign and Continued and Explained by an act pass'd in the third year of the reign of his present Majesty for Continuing the Liberty of Exporting Irish Linnen Cloth to the British Plantations in America free &c an Act for an Union of the two Kingdoms of England and Scotland made in the fifth year of the said Queens Reign in which are Certain Articles relating to the plantation Trade more particularly the fourth fifth and sixth an act for ascertaining the rates of Foreign Coins in her Majestys Plantations in America made in the sixth year of the same Queens Reign an Act for Continuing several Impositions and duties upon Goods Imported &c and to limit a certain time for prosecution upon certain Bonds given by Merchants (called in the Act Plantation Bonds) made in the eighth year of the said Queens Reign an act against Clandestine running of Uncustomd Goods for the more Effectual preventing Fraud relating p. 166
to the Customs made in the 5th Year of his present Majestys Reign and the act giving further Encouragement for the Importation of Naval Stores and for other purposes therein mentioned made in the eighth year of present Majestys Reign and also in the act for the more Effectual Suppression of Piracy made in the same year of his present Majestys Reign now in force relating to this province and in all other Acts of parliament now in force or that hereafter shall be made Relating to our Colonies or plantations shall be punctually and Bona fide Observed according to the true intent & meaning of the same Acts of Parliament So help me God

His Excellency the Governor Enquires who had the keeping of the Great Seal and desired the same may be brought to this Board which was accordingly presented to his Excellency by John Beal Esqr to whose Custody the same was Committed by the Honourable Charles Calvert Esqr then Chancellor and thereupon his Excellency the Governor took the Oath of Chancellor and delivered the said Seal to the said John Beale to be by him kept as usual until his Excellencys Pleasure shoud be further known therein

Which Oath of Chancellor is as follows

I Benedict Leonard Calvert do swear that as Chancellor and Keeper of the Great Seal of this Province I will well

Lib. X. and truly serve his Lordship the right Honourable the Lord Proprietary of this Province and do equal right to all his Majestys Subjects to the best of my Understanding Skill and
p. 167 Knowledge I will not debar or hinder the Prosecution of Justice nor take any Gift Bribe Reward or fee for the delaying thereof but will behave my self justly and truly and hear Act Judge Decree and determine all matters that shall regularly come before me for determination according to equity and Good Conscience according to the duty of my said Office and according to the best of my Knowledge during my Continuance in the said Office or until I shall be by Lawful Authority Discharged therefrom

So help me God

All which said Oaths were Administred to his Excellency by the members of his Lordships Honourable Council now present

After the taking the several Oaths aforesaid his Honour the Governor Subscribed the Oath of Abjuration and Test according to the directions of the Act of Assembly aforesaid

Advised Resolved and Ordered that a Proclamation be forthwith Issued for the Publication of his Excellency the Governors Commission and directing all Officers Civil & Military to Continue in the Execution and discharge of their several Offices until his Excellencys Pleasure shall be further known and signified therein which Proclamation being prepared is as follows viz[t]

By the Honble Benedict Leonard Calvert Lieutenant General and Governor in Chief in and over his Lordships Province of Maryland and Vice Admiral of the same

A Proclamation

Whereas Charles Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore
[p. 168 &c by his Commission under his Great Seal of Arms bearing date at London the 14th day of March in the thirteenth year of the reign of our Sovereign Lord King George Annoq Dni 1726 Has with the Approbation of his most Sacred Majesty been pleased to Constitute me the said Benedict Leonard Calvert his Captain General and Governor in and over this his Lordships Province of Maryland and the Lands Islands and Territories thereunto belonging which said Commission was this day published in the presence and hearing of the members of his Lordships honble Council and others the Kings Subjects his Lordships Tenants in this Province at the City of Annapolis I have therefore by and with the

advice of his Lordships Council of State thought fit to issue this my Proclamation Notifying the same to all Sheriffs Magistrates and others his Lordships Officers in this Province and I do further will and direct that all Officers both Civil and Military Execute and Discharge the several Trusts and duties in them reposed and Enjoyned by the present respective Commissions to them Granted until such time as my further Pleasure and Directions shall be signified therein Given at the City of Annapolis this third day of July in the thirteenth year of the Reign of our Sovereign Lord King George and in the twelfth year of his Lordships Dominion &c Annoq Dni 1727 Lib. X.

God save the King and his Lordship

{ Great Seal } Test

Geo Plater Cl Concil

Maryland ss[t]

At a Council held in the Council Chamber in the City of Annapolis on Tuesday the 11th day of July in the twelfth year of his Lordships Dominion &c Annoq Dni 1727 p. 169

Present

His Exc[y] Benedict Leonard Calvert Gov[r]

the honble { Col[o] William Holland, Philemon Lloyd Esq[r], Col[o] Richard Tilghman, Col[o] M. T. Ward, Benjamin Tasker, Philip Lee, Nicholas Lowe } Members of his Lordships honble Council; Benjamin Tasker, Philip Lee, Nicholas Lowe: Esq

His Excellency the Governor laid before this Board a Letter from the President of Virginia as also a Hue and Cry under the Great Seal of that Colony requesting and desiring the Governor and other Officers and Ministers of Iustice within this Province to be aiding and Assisting by their Authority to Apprehend Philip Hammond William Hammond and Iohn Howard Inhabitants of this Province for a Robbery Committed on a certain Richard Thacker in that Colony in order to bring them to Iustice in the said Colony which were read and are as follows viz[t]

Sir Virginia June 24th 1727

Upon Application of Richard Thacker Complaining of a Robbery Committed upon him in this Government by Philip Hammond William Hammond and John Howard Inhabitants

Lib. X. of your Province I have Caused a Hue and Cry to issue under the Seal of our Colony for the Apprehension of these Robbers and have directed Thacker to attend your Excellency for such further Process as you shall think proper to issue for
p. 170 the taking these Felons and Conveying them unto this Government in Order to their further Prosecution here I have also directed Thacker and his Witnesses to Appear with the Prisoners at their Examination before a Court to be held for that Purpose according to our Law I am

To his Excellency Sir
Charles Calvert Your Excellencys most Obedient &
Governor of Maryland most humble Servant
Robert Carter

Virginia

Robert Carter Esq[r] President of his Majestys Council and Commander in Chief of the Colony and Dominion of Virginia

To all Constables & other Officers & Ministers of our Lord the King to whom the Execution hereof shall belong sendeth Greeting

Whereas Richard Thacker late of the Province of Maryland planter hath this day made Oath before me that on the twenty eighth day of April last past at the House of George Yates in the County of King William in the Colony aforesaid he was Assaulted and Robbed of Eleven pieces of Gold (to wit) two Quadruples, Three Moidors, two French Guineas, Two Pistoles one English half Guinea and one half Pistole by Philip Hammond William Hammond and John Howard Inhabitants of the Province of Maryland aforesaid and that they fled for the same and are not yet apprehended These are therefore to Command you forthwith to make diligent search within your Sev[l] Precincts for the Persons aforesaid
p. 171 and to make Hue and Cry after them from Parish to Parish and from County to County as well by Horsemen as by Footmen according to Law and if you shall find them or either of them that then you bring them before some one of his Majestys Justices of the Peace for the County where they shall be taken so to be dealt with according to Law And in case they shall have escaped into the Province of Maryland aforesaid or other the Neighboring Governments I do hereby desire and request the Governors and other Officers and Ministers of Iustice therein that they will be aiding and Assisting by their Authority to Apprehend the said Felons and to Convey them to some County in the Colony and Dominion of Virginia afores[d] to the end that they may be brought before some Iustice of the Peace of such County to be dealt

with according to Law Given under my hand and the seal Lib. X.
of the Colony aforesaid this twenty fourth day of June in the thirteenth year of the Reign of our Sovereign Lord King George

[Seal] Robert Carter

His Excellency desired the Opinion of this Board what is most Expedient to be done therein who desired some time to Consider thereof

At a Council held at the Council Chamber on Wednesday the 12th of July 1727

Present as yesterday

His Excellency acquaints this Board that his Lordship had Commanded him to Appoint Charles Calvert Esqr a Member of this Board

Whereupon the said Charles Calvert takes the Oaths appointed by Act of Assembly of this Province sub- p. 172
scribed the Oath of Abjuration and Test and likewise took the Oath of a Councillor and takes his place at the Board Accordingly

Resolved and Ordered that the floor of the Council Chamber be prop'd and supported in such manner as shall be thought necessary by Charles Calvert and Benjamin Tasker Esqrs who are appointed by this Board to treat with workmen for the doing thereof and that they likewise Agree with a Painter to paint the doors and Windows of the said Council Chamber

Maryland ss:

At a Council held in the Council Chamber at the City of Annapolis on Monday the 24th of July in the thirteenth year of the Reign of our Sovereign Lord King George and in the twelfth year of his Lordships the Lord Proprietarys Dominion Annoq Dom 1727

Present

His Excy Benedict Leonard Calvert Govr

the honble	Col° William Holland John Hall Esqr Philemon Lloyd Esqr Col° Richard Tilghman Col° M T Ward Benjamin Tasker Esqr Philip Lee Esqr Charles Calvert Esqr	Members of his Lordships honble Council

Lib. X. Upon Consideration of the Letter from the President of Virginia as also the Hue and Cry under the Great Seal of that
p. 173 Colony (heretofore laid before this Board by his Excellency) requesting and desiring the Governor and other Officers and Ministers of Justice within this Province to be Aiding and Assisting by their Authority to apprehend Philip Hammond William Hammond and John Howard Inhabitants of this Province for a Robbery Committed on a certain Richard Thacker in that Colony in Order to bring them to Iustice in the said Colony this Board are of Opinion that a Provincial Magistrate (in prosecution of the aforesaid request) cause the said persons therein mentioned to be apprehended

And thereupon it is Advised and Ordered that Philip Lee Esqr one of the Justices of the Provincial Court issue such Proper Process as to him shall seem meet in Order to Convey the said Felons in the said Hue and Cry mentioned to some one Magistrate of the Colony of Virginia there to be dealt with according to Law

Charles Calvert and Benjamin Tasker Esq^{rs} heretofore Appointed to Agree with Workmen to Prop and Support the Floor of the Council Chamber laid before this Board the Irreparable State and Condition of the same

Thereupon it is Ordered that the said Charles Calvert and Benjamin Tasker Esq^{rs} do agree with John Smith Carpenter to new Floor the same according to such proposalls as shall be delivered to them by the said Smith and Approved of by the said Charles Calvert and Benjamin Tasker for which he the said Smith is to be paid Twenty Six pounds Current Money

p. 174 Maryland ss^{t}

At a Council held at the House of the Honourable Charles Calvert Esqr in the City of Annapolis on Saturday the ninth of September in the 12th year of his Lordships Dominion Annoq Dni 1727

Was Present

His Excellency Benedict Leonard Calvert Esqr Governor

the honbłe { Col^{o} Wm Holland, Philemon Lloyd Esqr, Col^{o} Richard Tilghman, Col^{o} M T Ward, Benjamin Tasker Esqr, Charles Calvert Esqr } Members of his Lordships honbłe Council

His Excellency is pleased to lay before this Board a Gazette printed at Boston wherein is Contained an Account of the death of our late Gracious Sovereign Lord King George

and altho he has had no regular notice from England of that Loss yet he is informed that his Royal Highness the Prince of Wales has been proclaimed there as well as at other places to the Northward but for the Greater Certainty hath sent an Express to Philadelphia and desires the advice of this Board relating thereto Lib. X.

Resolved (the Express sent by his Excellency not being returned) that this Board meet again on Wednesday next to Consider further thereof

Ordered that John Young Armourer upon the Order or directions of the Superior Officer of the Militia of this County deliver out such Arms Ammunition &c as shall be wanted on the day that shall be appointed for Proclaiming his Royal Highness George Prince of Wales King George the second p. 175

Maryland ss[t]

At a Council held at the House of the Honourable Charles Calvert Esq[r] in the City of Annapolis on Thursday the 14th day September in the 12th Year of his Lordships Dominion &c Annoq Dni 1727

Present

His Exc[y] Benedict Leonard Calvert Esq[r] Gov

the honble { Col[o] William Holland, Philemon Lloyd Esq[r], Col[o] M. T. Ward, Benjamin Tasker Esq[r], Charles Calvert Esq[r] } Members of his Lordships honble Council

His Excellency lays before this Board a Gazette of New York as well as that of Boston before mentioned part of which Gazettes are as follows

New York Gazette

London June 15th

Yesterday soon after three a Clock in the Afternoon M[r] Crew one of his Majestys Messengers arrivd here with the Melancholly news that his Majesty our late most Gracious Sovereign King George departed this Life at two a Clock last Sunday morning at Osnabrugh of a fit of an Apoplexey Sir Robert Walpole who first rec'd this news at Chelsea sent an Express with it to the prince and princess of Wales at Richmond their Royal Highnesses immediately came to London and in the Evening the privy Council Assembled at Leicester p. 176

Lib. X. House and declared his Royal Highness George Prince of Wales King of Great Brittain France & Ireland &c and signed a proclamation for his being proclaimed as such this morning at the Accustomed places & with the usual Solemnity

The Privy Council who meet on this Occasion were

A B of Canterbury	Earl of Stairs
Lord High Chancellor	Duke of Grafton
Duke of Kent	Earl of Cholmondeley
Duke of New Castle	Lord Finch
Lord Carteret	Sir Spencer Compton
Earl of Lincoln	Lord chief Iustice Raymond
Lord Lechmere	Lord chief Justice Eyre
Lord Bathurst	Sir Robert Walpole
Duke of Argyle	Sir Joseph Jekeyl
Earl of Macclefield	William Pulteney Esqr
Earl of Nottingham	Henry Pelham Esqr
Lord Trevor	Mr Attorney and
Duke of Bridgwater	Mr Sollicitor General

With several others of the Council together with many other Lords and Commoners who also subscribed the Proclamation

A Letter was sent to the Lord Mayor of this City to Acquaint him with the News and to desire his Lordship to take the proper methods for preserving the peace of this City

About 12 last night his Lordship sent one of his Officers to the Royal Exchange to Acquaint the people who were Assembled in Great numbers in Expectation of seing the Solemnity
p. 177 performed that his Majesty would be proclaimed this day at 12 a Clock

Whereas it hath pleased Almighty God to call to his Mercy our late Sovereign Lord King George of blessed Memory by whose decease the Imperial Crowns of Great Britain France and Ireland are Solely and Rightfully come to the high and mighty Prince George Prince of Wales we therefore the Lords Spiritual and Temporal of this Realm being being here Assisted with those of his late Majestys Privy Council with Numbers of other principal Gentlemen of Quality with the Lord Major Aldermen and Citizens of London do now hereby with one full Voice and Consent of Tongue and Heart publish and proclaim that the high and mighty Prince George Prince of Wales is now by the Death of our late Sovereign of happy memory become our only lawful and rightful Leige Lord George the second by the Grace of God King of Great Brittain France and Ireland Defender of the Faith &c to whom we do Acknowledge all Faith and Constant Obedience with all humble and hearty Affection Beseeching God by

whom Kings and Queens do Reign to Bless the Royal King Lib. X.
George the second with long and happy years to reign over us

Given at the Court at Leicester House this 14th day of June 1727 God save the King

W Cant	P. Methuen
King C	D Finch
Trevor C P S	W Stanhope
Grafton	R Walpole
Queensberry and Dover	R Raymond
Argyle and Greenwich	I Iekyll
Kent	R. Eyers
Lincoln	H. Pelham
Holles New Castle	Robert Sutton
Sutherland	William Pulteney
Pembroke	T: Ienkins
Nottingham	P. York
Stair	C Talbot
Falmouth	Edward Southwell
Lonsdale	William Cary
Carteret	Charles Greenwood
Lechmere	William Sharpe
Sp: Compton	Thomas Beake
Denbigh	P. Felan
Albermarle	Francis Blake
Gage	William Cleveland
Tadcaster	I. Hayne
Bathurst	H Bendisk
Delawarr	H Bendisk Junr
Cadogan	Thomas Welham
William Manners	Pet Campbell
Dunmore	Auth La Melonune
T: Woodcock	Henry Woston
William Wilmer	Thomas Smith
Lovett	I Rushout
R Arnold	T Lyttleton
Thomas Colby	Copleston
Alex: Abercromby	Adolphus Oughton
Thomas Say	Edward Southwell
Patt. Ward	Thomas Clements
James Macartney	Tyrconnel
John Savage	Thomas Martin
Joseph Ferrers	Francis North
William Compton	John Lambert
Daniel Dering	John Jocelyn
Richard Lilly	Claud Amyund
Samuel Hetherington	Ph Crespigny

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Lib. X.

John Armstrong
Peterborough
Sussex
Chesterfield
Essex
Macclesfield
Scarbrough
Cardigan
Grantham
De Loraine
Bridgwater
Ashburnham
Radnor
Harborough
William Powlet
Cholmondeley
John Essington
John Eyles Mayor
John Camp
Thomas Benson
G: Cooke
Robert Corker
I: Pendebury
Hartington
Daniel Lamy
William Wynn
Hab: Marshall
Roger Martin
p. 180 John Jones
Robert Corbet
William Corbet
Wriothesby Betton
Charles Lumley
Thomas Salt
Charles Lucas
Henry Holcombe
Thomas Cartwright
Abel Stibbs
William Shaw

Thomas Sadler
Geo Lochman
Ph Iourneaulx
Edward Godfrey
Francis Whitworth
John Mohunn
Na Hussey
G. Harvey
P Bettesworth
James Trimmer
T Pelham
Francis Hill
C: Frewen
R Cochrane
Richard Ingoldesbey
Thomas Lambart
Robert Watley
Henry de Saunieves
William Lewis C Grand
Francis Burton
Robert Nesbitt
Richard Plumer
Thomas Sidney
Tyrawley
I Mountgomerie
Robert Sourbee
Edward Brown
Ben Whiten
Dun fforbes
Aug Schutz
V Cornewall
Charles Stanhope
I Stevens
Ch: Delayfaye
Tho Bevois
Tho Needham
Ra: Iephsan

At the Court at Leicester House the 14th day of June 1727

Present

The Kings most Excellent Majesty in Council

His Majesty being this day present in Council was pleased to make the following Declaration viz[t]

The sudden and unexpected death of the King my dearest Lib. X.
Father has filled my heart with so much Concern and Suprize that I am at a Loss how to express my self upon this great and melancholy Occasion

I am sensible of the weight that immediately falls upon me by taking the Government of a Nation so powerful at Home and of such Influence and Consequence abroad but my Love and Affection to this Country from my Knowledge and Experience of you makes me resolve chearfully to undergo all difficulties for the sake and good of my people

The Religion Laws and Liberties of the Kingdom are p. 181
most dear unto me and the preservation of the Constitution in Church and State as it is now happily established shall be my first and always my Chief Care

And as the Alliances entered into by the late King my Father with Foreign powers have Contributed to the restoring the Tranquillity and preserving the Ballance of Europe I shall endeavour to Cultivate those Alliances and to Improve and perfect this great work for the Honour Interest and Security of my People

Whereupon the Lords of the Council made it their humble Request to his Majesty that his Majestys most Gracious declaration to their Lordships might be made publick which his Majesty was pleased to Order accordingly

Edward Southwell

London June 17th

On Thursday about noon his present Majesty George the Second was Proclaimed King of Great Britain France and Ireland at Leicester House Charing Cross Temple Bar Cheapside and the Royal Exchange with the usual Solemnities the Prime Ministers of State and a Great Number of the Nobility and Gentry attending on that Occasion with the Kings Heralds and Pursuivants at Arms in their proper Habits proceeded by a detachment of Horse and Grenadier Guards when they came to Temple Bar the Gates being shut were upon their Knocking at them Ordered to be Opened by the right Honble the Lord Mayor Accompanied by the Aldermen and Sheriffs in their Robes and at Night there were Bonfires Illuminations and other Rejoycings p. 182
throughout this City and Suburbs

The same day the Parliament was Prorogued by Commission from his present Majesty to the 27th of this Instant June

New Commissions in the name of his Majesty King George the second are Ordered for all the Officers Civil and military

Lib. X. To morrow sen night the Court goes into Mourning for Twelve months for the late King his Majesty has Ordered that the men wear Buttons on their Coats & Wastecoats down to the Waste and the Sleeves and pocketts to be plain

Boston Gazette

Boston August the 21st 1727

On Monday last the 14th Instant arrived here Captain Samuel Carey in seven weeks passage from London by whom we have the following Intelligence in the publick prints vizt

London June 16th

We hear that his late Majesty King George was very much Indisposed after he Landed in Holland thrô the Fatigue of his passage by Sea but being very desirous to finish his Journey without making any Considerable Stay upon the Road he Travelled after the Rate of one hundred and fifty miles a day and would not take Regular Rest or Refreshment on thursday he was very ill Again on Friday something better and eat his Dinner heartily but afterwards Grew very ill and was Blooded upon the Road on Saturday he reached Osnabrug where he died about three a Clock on Sunday morning at his
p. 183 Brothers palace the Duke of York

London June 17th

On Wednesday last between three and four a Clock in the afternoon Mr Crewoner of his Majestys Messengers arrived here Express with the melancholy News that our late most Gracious Sovereign King George died last Sunday of a fit of an Apoplexy in the 68th year of his Age and 13th of his Reign

Sir Robert Walpole who first received this news at Chelsea went with it Immediately to the Prince and Princess of Wales at Richmond who thereupon came from thence to Leicester House whither the Lords of the Privy Council were Summoned and signed a Proclamation for Proclaiming his Royal Highness King of these Realms

The Proclamation is as follows

Whereas it hath pleased Almighty God to call to his mercy our late Sovereign Lord King George of blessed memory by whose decease the Imperial Crowns of Great Britain

France and Ireland are solely and rightfully come to the high Lib. X.
and mighty Prince George Prince of Wales Wee therefore the Lords Spirutual and Temporal of this Realm being here Assisted with those of his late Majestys Privy Council with numbers of other principal Gentlemen of Quality with the Lord Mayor Aldermen and Citizens of London do now hereby with one full Voice and Consent of Tongue and heart Publish and proclaim that the high and mighty Prince George Prince of Wales is now by the death of our late Sovereign of happy memory become our only Lawful & rightful Liege Lord George the Second by the Grace of God King of Great Britain France and Ireland Defender of the Faith &c to p. 184
whom we do Acknowledge all faith and Constant Obedience with all hearty and humble Affection Beseeching God by whom Kings and Queens do reign to bless the Royal King George the Second with long and happy years to reign over us

Given at the Court at Leicester House this fourteenth day of June 1727

God save the King

London June 16th

Yesterday about noon his present Majesty George the second was proclaimed King of Great Britain France and Ireland at Leicester House Charing Cross, Temple Bar, Cheapside and the Royal Exchange with the usual Solemnities the Prime Minister of State and a Great Number of the Nobility and Gentry attending on the Occasion with the Kings Heralds and Pursuivants at Arms in their proper Habits preceeded by a Detachment of Horse and Grenadier Guards when they came to Temple Bar the Gates being shut were upon Knocking at them Ordered to be Opened by the right Honourable the Lord Mayor Accompanied by the Aldermen and Sheriffs in their Robes and at night there were Bonfires Illuminations and other Rejoycings throughout this City and Suburbs

His Majesty King George the Second's most Gracious declaration at his first sitting in the Privy Council at the Court Leicester House the 14th day of June 1727

The sudden and unexpected death of the King my dearest Father has filled my heart with so much Concern and Suprize that I am at a Loss how to express myself upon this great and p. 185
melancholy Occasion

Lib. X. I am Sensible of the weight that immediately falls upon me by taking the Government of a Nation so Powerful at Home and of such Influence and Consequence abroad but my Love and Affection to this Country from my Knowledge and Experience of you makes me Resolve chearfully to undergo all Difficulties for the Sake and good of my People

The Religion Laws and Liberties of the Kingdom are most dear to me and the Preservation of the Constitution in Church and State as it is now happily Established shall be my first and always my Chief Care

And as the Alliances entred into by the late King my Father with Foreign Powers have Contributed to the Restoring the Tranquillity and preserving the Ballance of Europe I shall endeavor to Cultivate those Alliances and to Improve and perfect this great work for the Honour Interest and Security of my People

London June 16th

Yesterday the parliament was Prorogued by Commission from his present Majesty to the 27th of this Instant Iune

His Excellency is likewise pleased to Communicate to this Board a Letter from the Governor of Pennsylvania which is as follows vizt

Sir

Yours of the third Curr^t gave me Great uneasiness for my
p. 186 Omitting to send you the bad news of the Kings Death I can make no other Excuse than that I never Questioned your hearing the News as soon as us besides I heard our Surveyor General say he designed sending you word and likewise to Virginia I hope you'll pardon the Omission proclamation was likewise made at New York ten or twelve days before I proclaimed here for I was willing to wait for Orders from the other side which is usual on the like occasions but upon second thoughts I judged if there was any Error it was one on the right side and therefore I appointed Thursday the 31st of the last month for proclaiming his present Majesty. In the morning I Ordered 30 Minute Guns to be fired and began them about 11 in the Forenoon after they had done firing these Guns my Council the Mayor of the City Aldermen and Common Council with the principal Gentry of the Town and Country Assembled at my House and went in Procession to the Court House where a plat Form was erected and there made proclamation with many loud Acclamations of long live King George the Second Our Guns again firing a Volley the

Procession walked back to my House where we drank Lib. X.
the King the Queens and Frederick Prince of Wales Healths
our Guns again firing to each Health and at Night there were
more Bonfires and Houses Illuminated then ever had been
seen in this place I cannot conclude before I beg you'll Be-
lieve that I shall embrace every Opportunity to demonstrate
that I am with all Respect and Sincerity Imaginable

Philadelphia 7ber 7th 1727 Sir
Superscribed Your most faithful & most
To his Excellency the Obedient humble Servant
Governor of Maryland P. Gordon

Forasmuch as it Appears to this Board that his Royal High- p. 187
ness the prince hath been proclaimed at Boston New York
and Philadelphia (notwithstanding his Excellency hath no
Regular Notice from England) it is the Opinion of this Board
that he be here proclaimed and thereupon Resolved that
his Royal Highness Prince George Prince of Wales be this
day at Twelve of the Clock proclaimed King in this City
King of Great Britain France and Ireland Defender of the
Faith &c. Whereupon the following Proclamation was read
and Approved of vizt

Maryland sst
By his Excellency Benedict Leonard Calvert Esqr Captain
General and Lieutenant Governor &c

A Proclamation

Whereas it hath Pleased Almighty God to call to his Mercy
our late Sovereign Lord King George of blessed memory
by whose decease the Imperial Crowns of Great Britain
France and Ireland as also the Supream Dominion and Sove-
reign Right of the province of Maryland and all other his late
Majestys Dominions and Territories in America are Solely and
rightfully come to the high and mighty prince George Prince
of Wales we therefore the Lieutenant Governor and Council
being here Assisted with divers other Magistrates Gentlemen
and principal Inhabitants of the said province with the Mayor p. 198
Recorder Aldermen and Common Council of the City of An-
napolis do now hereby with one full Voice and Consent of
Tongue and Heart Publish and proclaim that the high and
mighty Prince George Prince of Wales is now by the death
of our late Sovereign of happy memory become our only lawful
and rightful Liege Lord George the Second by the Grace of
God King of Great Brittain France and Ireland Defender of
the Faith Supream Lord of the said province of Maryland and
all other his late Majestys Dominions and Territories in America

Lib. X. &c To whom we do Acknowledge all Faith and Constant Obedience with all hearty and humble Affection Beseeching God by whom all Kings and Queens do Reign to bless the Royal King George the second with long and happy Years to Reign over us

Given at the City of Annapolis the fourteenth day of September in the first year of his Majestys Reign and the twelfth year of his Lordship the Lord Proprietarys Dominion over this prov[e] Annoq Dni 1727

God save King George the Second

Geo Plater

Resolved that his Excellency issue his Proclamations to the several Countys Commanding the respective Sheriffs as soon as Conveniently may be to proclaim his Majesty with all Solemnity possible which proclamation being read and approved of is as follows viz[t]

Maryland ss[t]

By his Excellency Benedict
Leonard Calvert Esq[r] Captain General
p. 199 and Lieutenant Governor &c.

A Proclamation

Whereas it hath pleased Almighty God to call to his mercy our late Sovereign Lord King George of Blessed memory by whose decease the Imperial Crowns of Great Britain France and Ireland as also the Supream Dominion and Sovereign right of the Province of Maryland and all other his late Majestys Dominions and Territories in America are solely and rightfully Come to the high and mighty Prince George Prince of Wales I do therefore by and with the advice of his Lordships Honourable Council within this Province Publish this my Proclamation Notifying the same to all his Majestys good Subjects and strictly charging and requiring the several Sheriffs of the respective Counties of this Province at the most publick place in their respective Counties as soon as Conveniently may be with all the Solemnity possible to proclaim and publish that the said high and mighty Prince George Prince of Wales is now by the Death of our late Sovereign of happy memory become our only lawful and rightful Liege Lord George the second by the Grace of God of Great Britain France and Ireland King Defender of the Faith Supream Lord of the said Province of Maryland and all other his late Majestys dominions and Territorys in America &c To whom we do Acknowledge all faith and Constant Obedience with all hearty and humble Affection with one full

Voice and Consent of Tongue heartily declaring the same Lib. X.
and Beseeching God by whom Kings and Queens do Reign
to Bless the Royal King George with long and happy years p. 190
to reign over us and I do hereby further will and require
the several Sheriffs of this province to give notice to the
Magistrates of their respective Counties as soon as possible
to meet and appoint a day for publishing this my Proclamation and I do hereby Command the several Sheriffs and all
others his Lordships Officers both Civil and Military as also
the Militia in the respective Counties to attend in the handsomest manner at the time so appointed for performing the
same

Given at the City of Annapolis this 18th of September in
the first year of his Majestys Reign &c In the twelfth year
of his Lordship the Lord Proprietarys Dominion &c Annoq
Dni 1727

God save King George the Second
Geo Plater

Maryland ss[t]

At a Council held at the House of the Honourable Charles
Calvert in the City of Annapolis on Friday the 15th of September in the first year of the reign of our Sovereign Lord
King George the Second in the twelfth year of his Lordship
the Lord Proprietarys Dominion &c Annoq Dni 1727

Present

His Exc[y] Benedict Leonard Calvert Gov[r]

the honbłe	Col[o] William Holland Phile. Lloyd Esq[r] Col[o] M T Ward Benj[a] Tasker Esq[r] Charles Calvert Esq[r]	Members of his Lordships honbłe Council

His Excellency the Governor took the Oath to his Majesty p. 191
Appointed to be taken by Act of Assembly of this Province
and Subscribed the Oath of Abjuration and Test according to
the direction of the said Act

After which the Honbłe Members of his Lordships Council
here present and George Plater Clerk took the said Oaths
and severally subscribed the Oath of Abjuration and Test

Ordered that Dedimus Protestatem issue to the Several
Countys directed to the third and fourth persons in Commission in the respective Counties to swear the Chief Iustice and
that he swear all other Officers both Civil and military that
shall apply to take the Oaths in the several Counties

Lib. X. Ordered that the Clerk of this Board write to the several Sheriffs of this province to give notice to the several Members in their respective Counties that they are to meet at Annapolis the 2d Tuesday in October next in Order to proceed on Business

Maryland ss:

At a Council held in the Conference Chamber in the City of Annapolis on Monday the 9th day of October in the first year of the Reign of our present Majesty King George the Second in the twelfth year of his Lordships Dominion &c Annoq Dni 1727

Were Present

His Excy Benedict Leonard Calvert Gov:

p. 192

the honble { Colo William Holland, John Hall Esq:, Colo Richard Tilghman, Colo M T Ward, Benjamin Tasker Esq:, Charles Calvert Esq: } Members of his Lordships Honble Council

The honble John Hall Esq: and Colo Richard Tilghman took the Oaths to his present Majesty and severally subscribed the Oath of Abjuration and Test pursuant to the Act of Assembly in that Case made and provided

At a Council held the 10th of October 1727

Present

His Excellency Benedict Leond Calvert Gov:

the honble { Colo William Holland, John Hall Esq:, Colo Richard Tilghman, Colo M T Ward, John Rousby Esq:, Benja Tasker Esq, Nicholas Lowe Esq:, Charles Calvert Esq: } Members of his Lordships honble Council

The honble John Rousby Esq: & Nicholas Lowe Esqrs took the Oaths to his present Majesty & severally subscribed the Oath of Abjuration and Test pursuant to the Act in that Case made and provided

Maryland ss[t] Lib. X.

At a Council held at the House of M[r] George Neilson in the City of Annapolis on Tuesday the 31st day of October in the first year of the Reign of King George the 2[d] in the thirteenth of his Lordships Dominion &c Annoq Dni 1727

Present p. 197

His Exc[y] Benedict Leon[d] Calvert Gov[r]

Col[o] William Holland John Hall Esq[r] Philemon Lloyd Esq[r] Col[o] Nath T Ward Philip Lee Esq[r] Nicholas Lowe Esq[r] Charles Calvert Esq[r]	Members of his Lordships honble Council

Read the representation of Philip Lee Esq[r] & referred the further Consideration thereof to Wednesday the 14th day of February next at which time M[r] Nicholas Sewell is Ordered to attend

His Excellency is pleased to lay before this Board the petition of William Hambleton and Joseph Pattison Prisoners in Calvert County Prison

Ordered that the same be referred to the Justices of Calvert County Court to do therein Agreable to Justice Ordered the said petition be so Endorsed

Read the petition of the Parishioners of the Upper part of Prince Georges Parish in Prince Georges County Appealing against some proceedings of the Vestry of the said parish

Ordered that the said Vestry have notice to Appear at the City of Annapolis on the second Tuesday in February next to Answer the Complaint of the said petitioners and that publick notice be Given by the Sheriff of Prince Georges County to the Parishioners of the said parish at that time to Attend to Prosecute their Appeal

Which Notice issued accordingly to the Sheriff of Prince p. 194
Georges County

Ordered that the Clerk of this Board draw Orders on Col[o] Samuel Young Treasurer of the Western Shoar to be paid out of the 3[d] ꝑ hhd for Arms for the several disbursements Allowed of by this Board viz[t] to Cornelius Herizson for painting Work done to the Council Room 3[ls].. 18[s].. 9[d] Current Money To Amos Garret Esq[r] for Oyl Lead and Ore for the Council Room 4[ls]. 12[s]. 8[d] like money to Doctor Charles Carrol for Steps to the Conference Chamber Door 1[l].. 0[s].. 0[d] like money To John Smith Carpenter 5[ls].. 9[s]. 0[d] like money upon his Acknowledgment of having rec'd 1300 foot of Inch & quarter plank for the use of the Council Chamber

Lib. X. Read the Depositions of William Tattman and Elinor Ingraham Complaining of Enchroachments made by the Pennsylvanians on his Lordships Inhabitants on the Borders of this province

Ordered that a Proclamation issue Commanding the several Sheriffs and other Officers Civil and military in those several Countys to be Aiding and Assisting to prevent such Enchroachments for the future which proclamation issued and is as follows viz[t]

Maryland ss[t]

By his Excellency Benedict Leon[d] Calvert Governor and Commander in chief in and over the province of Maryland

A Proclamation

Whereas Complaint hath been made by several the good
p. 195 People his Lordships Tenants of this province as well those Inhabiting the Northern parts thereof as others Bordering upon the Countys lying on Deleware Commonly Called the Lower Countys that many Abuses have been Committed and divers Enchroachments made and Continued to be made on several parts of this province by the People belonging to Pennsylvania and the said three Lower Counties to the manifest Wrong and very great Injury of his Lordship the Lord proprietary and the said Good people his Tennants And forasmuch as the truth thereof hath been manifestly made Appear to the Gov[r] and Council of this province I have by the advice of his Lordship Honble Council for preventing of the like Illegal and Injurious proceedings for the future thought fit to Publish this my Proclamation strictly charging and requiring all Sheriffs and all other Officers both Civil and Military within this his Lordships Province of Maryland upon Notice of any Enchroachment made or attempted to be made on any the Lands or Tenements of any his Lordships Tenants or upon any Assaults or other Injurys done or Offered to be done to the persons of any of his said Lordships Tenants to Aid and Assist such his said Lordships Tenants to the utmost of their power and to use all lawful means to Apprehend and Seize all such Aggressors as they shall find illegally encroaching upon any his Lordships Lands or the Lands and Tenements of any his Lordships Tennants or Assaulting and Abusing any such Tenants of his said Lordship and them to bring or Cause to
p. 196 be brought before one of his Lordships Iustices of the peace for the County where such Aggressors shall be so taken there to be dealt with According to Law Given at the City of Annapolis this tenth day of November in the thirteenth year of his Lordships the Lord Proprietarys Dominion &c Annoq Dni 1727

Which Proclamation issued accordingly to all the Counties Lib. X.
on the Eastern Shore Prince Georges & Baltimore

Maryland ss[t]

At a Council held at the House of his Excellency Benedict Leonard Calvert Esq[r] in the City of Annapolis on Wednesday the 14th day of February in the thirteenth Year of his Lordships the Lord Proprietarys Dominion &c Annoq Dni 1727

Were Present

His Exc[y] Benedict Leon[d] Calvert Gov[r]

the honble	John Hall Esq[r] John Rousby Esq[r] Benj[a] Tasker Esq[r] Philip Lee Esq[r] Charles Calvert Esq[r]	Members of his Lordship honble Council

Upon reading the petition of the Inhabitants of the Upper part of prince Georges parish in prince Georges County Complaining of the proceedings of the Vestry and Church Wardens of the said parish as also the petition of the said Vestry in Answer to the petition afores[d] and upon hearing of Council on both sides it doth not appear to this Board that the said Vestry have pursued the Intention of the Act of As- p. 197
sembly Entituled an Act for dividing part of Saint Johns Parish in prince Georges County and for erecting part thereof into a new parish by giving notice to the Freeholders thereof to make Choice of a place to build and found a Church upon as that Law directs it is therefore Resolved that they ought to give publick notice to the Freeholders to appear for appointing a proper place to build a Church pursuant to the said Act and it is further the Opinion of this Board that the Scituation of the present Chappel is no ways Convenient to found or Build a Parish Church upon being too remote from many parts of the said Parish as likewise that it doth not appear that the said Parishioners have any certain right or Freehold in the Scite of the said Chappel and Ordered that the Clerk serve the said Vestry and Churchwardens with the above Resolutions of this Board

Copy whereof was served accordingly

Referred the Consideration of the Representation of Philip Lee Esq[r] till the first Tuesday in Iuly next at which time the said Nicholas Sewell Jun[r] is Ordered to Attend

Lib. X. Thursday the 16th day of February

Present as yesterday with the Addition of Nicholas Lowe Esqr

Ordered that the Clerk of this Board draw an Order on Colo Samuel Young Treasurer of the Western Shoare payable to John Young or Order for 40l Sterling so much being due to him in January last for Cleaning the Arms &c

Which Order was drawn accordingly

p. 198 His Excellency acquaints this Board that he has no Business of moment to lay before the Assembly on the third Tuesday in May next to which time the same stands Prorogued and asks the Opinion of this Board what further time may be proper to prorogue the same to who are of Opinion that the first Tuesday in Iune will be the most proper time to which his Excellency Concurs

Ordered that Proclamations Issue accordingly which was done

Maryland ss:

At a Council held at the House of his Excellency Benedict Leonard Calvert in the City of Annapolis on Tuesday the second day of April in the 13th year of his Lordships the Lord Proprietarys Dominion &c Annoq Dni 1728

Were Present

His Excy Benedict Leonard Calvert Govr

the honble { Philemon Lloyd Esqr, Colo Richard Tilghman, Colo M T Ward, Benjamin Tasker Esqr, Philip Lee Esqr, Nicholas Lowe Esqr, Charles Calvert Esqr } Members of his Lordships honble Council

His Excellency is pleased to lay before this Board Representations from the several County Courts held in March last relating to the Great Scarcity of Indian Corn therein and desires the Opinion of this Board what is most Expedient to be done relating to the same

p. 199 Wednesday the third day of April

Present as Yesterday

The Above Representations being read & Considered this Board are of Opinion that it is necessary to prevent the Exportation thereof and that the same may be done by way of

proclamation which proclamation is Ordered to be prepared Lib. X.
and is as follows viz[t]

Maryland ss[t]

By his Excellency Benedict Leonard Calvert Governor and Commander in chief in and over the Province of Maryland

A Proclamation

Whereas I am informed by Representations from the County Courts held in March last past that Indian Corn is so Generally Scarce throughout this Province that the good people thereof are greatly Apprehensive of a Common Want of Subsistance if the Exportation of such Corn so necessary for their support be not immediately prevented such melancholy representations from the Good people his Lordships Tenants most sensibly Affected me with a deep Concern for their present Sufferings, & the Apprehensions they lye under of farr greater to Come In tender Consideration Whereof (being desirous to use the Earliest and Speediest precautions for their preservation in so Important a Circumstance of their Welfare) I have therefore thought fitt by and with the Advice of his Lordships Honble Council of State for the Reasons aforesaid to Publish and Proclaim and I do hereby Accord- p. 200
ingly strictly Order and Command that no person whatsoever Inhabitant or otherwise within this province from and after the publication hereof until the first day of October next do presume to sell Carry or load on Board any Ship Sloop Shallop Boat Cannoe or other Bottom any Indian Corn with Intent to Export the same out of this province or with any Knowledge or privity that the same is intended to be so exported by others and that no Master or Owner or any other person Navigating such Ship, Sloop Shallop Boat Canoe, or any other Bottom or any other person whatsoever purchase receive or take on Board their said Vessels any Indian Corn as aforesaid with any Intent other than to Transport the same from one place to another within this Province for the supply of the Inhabitants thereof, or for the necessary support of their Voyage Homewards under pain and penalty of the several persons therein found Offending being prosecuted according to the utmost Severities of the Law for such their Contempt therein And I do hereby further strictly enjoyn and Command the several Officers of the respective Ports as well as all Other his Lordships Magistrates and Officers whatsoever within this Province to be diligent and careful that this my Proclamation be duely observed, And to the End due Notice hereof may be given I do further strictly charge and com-

Lib. X. mand the several Sheriffs of this Province to make Immediate Publication hereof in the most Publick & Convenient places within their respective Countys to which all Persons are hereby required to Yield all due and Ready Obedience as they will Answer the Contrary at their perill Given at the City of Annapolis this sixth day of April in the thirteenth year of his Lordships Dominion Annoq Dom 1728

Which Proclamation Issued accordingly

p. 201 It having been Observed by this Board that the Seal of the Provincial Court as well as most of the seals of the several County Courts have his Majesty Royal Arms thereon

Resolved that the Using of his Majestys Royal Arms to any Process or Precept Issuing out of his Lordships Courts in his Lordships Name in this Province is altogether Improper and Inconvenient

Thereupon it is Ordered that the several Iustices of the said Courts take due Care as soon as conveniently may be to Provide a new Seal with his Lordships Arms and the Stile of each Court Circumscribed thereon and that the Clerk of this Board Transmit a Copy of this Order to the several Justices of the said Courts

Ordered that the Treasurer of the Western Shoar send to England by the first Opportunity for one hundred and twenty Quarter Barrels of Gunpowder for the use of the publick and in Case the small Books of Horse and foot Exercise formerly sent for be not Come that the said Treasurer send for one hundred of them by the same Opportunity and that the Clerk serve the said Treasurer with this Order

Whereas this Board hath been inform'd that some Masters of Ships have lately pretended to refuse the Payment of the fourteen pence ꝑ Ton due to his Lordship Ordered that the several Naval Officers take due Care that his Lordships said
p. 202 duty be punctually paid as usual Several Sheriffs Bonds were presented to this Board by Mr Vachel Denton Clerk of the Secretarys Office which were Approved of and Ordered to be so endorsed

If there Appears no Immediate Cause of the Assemblys meeting in Iune next it is the Advice of this Board to his Excellency that the same be dissolved

Maryland ss:

At a Council held at the House of his Excellency Benedict Leonard Calvert in the City of Annapolis on Saturday the

25th day of May in the 14th year of his Lordships the Lord Lib. X.
Proprietarys Dominion &c Annoq Dni 1728

Were Present

His Excellency Benedict Leonard Calvert Governor

the honble	John Hall Esqr Colo Richard Tilghman Philip Lee Esqr Nicholas Lowe Esqr Charles Calvert Esqr	Members of his Lordships honble Council

His Excellency is pleased to Acquaint this Board that the Fruits of the Earth have been very much destroyed by Great Numbers of Caterpillars which have Overspread this Province and that the people are Apprehensive of Greater Danger to Come whereupon it is the Opinion of this Board that a General Fast be proclaimed throughout this Province on the third Friday in June next as a means to Avert such an Impending Iudgment which proclamation issued and is as follows p. 203

Maryland sst

By his Excellency Benedict Leonard Calvert Governor and Commander in chief in and over the Province of Maryland

A Proclamation for a fast

Whereas the present Great Scarcity of Corn our necessary Subsistance the many late Losses of Hogs Cattle and other Stock and the numerous destroying Caterpillars which have infested our woods are such signal and Grievous distresses to the People of this Province that they may be justly deemed a Visitation from the Almighty God for our manifold Sins against him the Sence whereof should induce us to a publick and sincere humiliation of ourselves before the Great God to whom Vengeance belongeth that he may not suffer his whole displeasure to arise against us to the end therefore that so timely and necessary a duty may be the more unanimously perform'd throughout this province I have thought fit by and with the advice of his Ldshps Council of State to issue this my Proclamation & I do hereby strictly Charge and Command that the third Friday in June next be Observed as a day of General and publick fast and Humiliation throughout this Province and I do Earnestly Invite and Require the Inhabitants of this province to be religiously and strictly Observant of the same as they tender the favour of Almighty God & on pain of suffering such punishment as may be Iustly p. 204
Inflicted for the Contempt or neglect of so necessary and Religious a duty and for the more solemn performance of the

Lib. X. same I do hereby require the ministers in their respective Parishes to read divine Service and to preach Sermons in their respective Churches on that day suitable to the Occasion and I do further Charge and Command the several Sheriffs of this province to Cause this my Proclamation to be published and read in the several Parish Churches and other the most publick places in their respective Counties as they will Answer the Contrary at their perill Given at Annapolis this 28th day of May in the 14th year of his Lordship the Lord Proprietarys dominion &c Annoq Dni 1728

Maryland ss[t]

At a Council held in the Council Chamber in the City of Annapolis on Friday the fifth day of July in the 14th year of his Lordships Dominion &c Annoq Dni 1728

Present

His Excellency Benedict Leonard Calvert Gov[r]

the honble	Col[o] William Holland Philemon Lloyd Esq[r] Col[o] M T Ward Benj[a] Tasker Esq[r] Charles Calvert Esq[r]	Members of his Lordships honourable Council

Read the following Representation which was referred to the Consideration of this Board viz[t]

p. 205 The humble Representation of the Honble Philip Lee Esq[r] To his Excellency Charles Calvert Esq[r] Governor of the Province of Maryland and to the honble Members of his Lordships Council in the said province

The said Philip Lee begs Leave to represent to your Excellency and Honours that he sometime ago Intermarried with Elizabeth Sewall Widow and Relict of Henry Sewall late of Saint Marys County Gent deceased who died in the Communion of the Church of Rome and at his decease left Nicholas Sewall an infant now about the age of seven years his Son and Heir of the Body of the said Elizabeth Sewall

That the said Elizabeth at the time of the aforesaid Intermarriage with the said Philip Professed the Popish Religion but hath since Embraced the protestant Religion & Continues in the profession thereof

That the said Nicholas Sewall the Infant remained under the Guardianship and direction of the said Elizabeth as his Natural Guardian to the time of the said Philips Intermarriage

That the said Elizabeth being desirous that the said Nicholas the Infant should be educated in the Protestant Religion

thought it necessary to have him in the said House where Lib. X.
she lived and under the Care of those who would give him a Suitable Maintainance and Instruction

That accordingly the said Nicholas the Infant hath Lived with the said Philip ever since and hath been provided with every thing necessary and suitable to his Fortune

That Nicholas Sewall Iunior being appointed Coexecutor with the said Eliz^a of the last will and Testament of the said Henry hath Possession of the Reall and Personall Estate now p. 206
belonging to the said Nicholas the Infant which Consists in Two or three hundred Pounds in personall Estate and of About Eight hundred Acres of Land in Reall Estate and by virtue of such possession insists that he ought to have the Tuition of the said Infant (altho he was never appointed Guardian) or otherwise the said Nicholas Sewall Iunior pretends that he is not Obliged to make an Allowance out of the Estate of the said Nicholas for his Education and Maintainance more then six Pounds ꝑ Cent out of the personall Estate ꝑ Annum a Sum much too Inconsiderable for meat drink Washing Lodging and education and Cloathing

That the said Philip and Elizabeth at the time of their Intermarriage released the right of the said Elizabeth to the two thirds of the reall and personall Estates of the said Henry to the said Nicholas Sewall Iunior in Trust for the said Nicholas the Infant on Condition to Repossess the same in Case of the Death of the said Nicholas the Infant without Issue but the said Philip and Elizabeth never intended that the Profits of the said Estate so Released should be applyed in Any manner to the advantage of the said Nicholas Sewall Junior the Trustee but that they should Contribute to a better provision and Education of the said Nicholas the Infant than that part of the Estate to which he was Intituled by the death of his Father would have permitted neither did the said Philip and Elizabeth by such deed of Release deprive either of themselves of any right of the Care and Guardianship of the said Nicholas the Infant to p. 207
which they or either might be Entituled by Law or Equity for these Reasons the said Philip Lee thinks it is his duty to represent to your Excellency and Honours that he is Apprehensive that the said Nicholas the Infant is placed under the Government and direction of the said Nicholas Sewall Junior or any other In Communion with the Church of Rome will be Educated and Instructed in the Religion of that Church to prevent which the said Philip Lee Conceives a provision is made by the Act of Assembly For the better administration of Iustice in Testamentary Affairs and hopes that such Order will be made as is Agreable to the design and Equity of the

Lib. X. said Act and also that your Excellency and Honours will think it reasonable that an Allowance should be made to the said Philip for the Boarding and Cloathing the said Nicholas the Infant for fifteen months past in proportion to the profitts arising Generally from such Reall and personall Estates in this Country and not in proportion to the Interest only of the personal Estate by a Computation of six pounds ꝑ Cent ꝑ Annum Philip Lee

To which Representation the said Nicholas Sewall by Mr William Beckingham his Attorney appears and Exhibits his Answer to the same which was read at the Board and is as follows vizt

The Answer of Nicholas Sewall Iunior Exr of the last will and Testament of Henry Sewall decd to the humble Representation of the Honble Philip Lee Esqr

p. 208 This Respondent by Protestation not owning or Allowing any of the matters Contained in the said Representation to be true as they are therein alledged and saving to himself the Benefit of all the several Statutes herein after mentioned and all the right he has as a British Subject to defend himself in any suit that may be brought against him by the said Philip Lee which right he is advised he is entituled unto and humbly insists upon and in Answer to the said Representation begs Leave to Observe to your Honours that the Act of Assembly in the Representation mentioned Contains nothing more that can be pretended to be Applicable to the said Philip Lees Purpose but the following Provisoe

Provided Always that where any Person being a Protestant that shall die and leave a widow and Children and such Widow shall Intermarry with any person of the Romish Communion or be herself of that opinion and profession it shall and may be lawful for his Majestys Governor and Council within this province upon Application to them made to remove such Child or Children out of the Custody of such parents and place them where they may be Securely Educated in the protestant Religion and to Order such reasonable Maintainance for such Child or Children in whose hands soever having respect that only the yearly profits and Encrease thereof be Applied thereto and such Childrens Estates be not Diminished thereby

That Henry Sewall the Testator and his wife were known to have been of the Romish Communion wherein the said
p. 209 Henry always lived and Actually Died and that the sum which the said Philip Lee Claims of this Respondent by his own Shewing appears to be for the said Henry Sewalls Infants Board before any application made to your Honours

so that the whole matter Contained in the said Representation is as this Respondent is advised Clearly out of the before recited Provisoe and Consequently this Respondent answerable to the said Philip Lee only by due Course of Law Lib. X.

And the Respondent further sheweth that the said Representation is a Complaint in the nature of an Original Suit Charging the Respondent with withholding from the said Philip something that he Claims as right which the Respondent is advised is altogether Improper for your Honours Consideration in the first Instance not being more triable by your Honours than other Suit or Controversy whatsoever and that your Honours Cannot as this Respondent is advised Apply the proper and only Remedy which the Law hath Given the said Philip if he has any just Claim against the Respondent which is to Award him damages which only can be Assessed by a Iury

The Respondent further humbly shews your Honours that by the 29th Chapter of Magna Charta no man is to be taken or imprisoned or disseised of his Freehold or Liberties or Free Customs or Outlawed or Exiled or otherwise destroyed or Condemned but by lawful Iudgment of his Peers or by the Law of the Land

That by a statute made the 25th of Edward the third Chapter 4th it is Enacted that from thenceforth none shall be taken by Suggestion or Petition to the King or his Council unless by p. 210 Indictment or presentment of good and lawful people of the neighbourhood or by Process by writt Originall at Common Law and that none shall be put out of his Franchise or Freehold but by Course of the Common Law and by another Statute made 16 Chas Chap 10 It is enacted and declared that neither his Majesty nor his privy Council had or ought to have any Iurisdiction power or Authority by English Bill petition Articles Libell or any other Arbitrary way whatsoever to examine or draw into Question Determine or dispose of the Lands Tenements Hereditaments Goods or Chattels of any the Subjects of the Kingdom of England but that the same ought to be tried and determined in the Ordinary Courts of Iustice and by the Ordinary Course of the Law

And the Respondent further saith that in as much as the Representation is in the nature of an originall Suit for a matter Clearly out of the Act of Assembly Mentioned in the representation and only examinable and Triable by the Course of the Common Law & tends to subvert Trialls by Iury and is in the Example of it (as the respondent is advised) Dangerous to the Liberty of the Subject

The Respondent Claims the Benefit of defending himself touching any Claim the said Philip Lee might have against

Lib. X. him by the due and known Course of the Common Law and to rely on the Statutes already mentioned and the Common Right he has as a free born Subject of Great Britain in bar of
p. 211 any further proceeding on the said Representation and humbly prays to be Dismist from the same

Nicholas Sewall Iun^r
Exe^r of Henry Sewall

After which Mr Edmund Ienings and Mr Joshua George of Council for the Representor as also Mr William Beckingham of Council for the Respondent severally take the Oath of Attorney as also the Oaths to the Governm^t and severally subscribe the Oath of Abjuration & Test according to the directions of the Act in that Case made & Provided Also Philip Lee Esqr and Mr Nicholas Sewall took the Clients Oath

Upon hearing of Council on both sides it is the Opinion of this Board that the said Representation be dismissed for that it does not appear that the Subject matter thereof lyes before this Board

His Excellency is pleased to Ask the Opinion of the Board what time would be most Convenient for the return of the writts of Election who are of Opinion that the first Tuesday in October next is the most proper time

To which his Excellency Concurs

Lib. M. Maryland ss
p. 1 At a Council held at the House of his Excellency in the City of Annapolis on Saturday the 26th of October in the Fourteenth Year of his Lordships Dominion &c Annoq Dm. 1728

Was Present

His Excellency Benedict Leonard Calvert Governour

Hon̄ble	Coll: Richd Tilghman Coll Matthew T Ward John Rousby Esqr Benj^a Tasker Esqr	Philip Lee Esqr Nicholas Lowe Esqr Charles Calvert Esqr

Members of his Lordships Hon̄ble Council

His Excellency lays before this Board a Seditious & Scandalous paper which he is Informed hath been Dispersed in Prince Georges County Viz:

Country-Men & ffriends } "Tis past Doubt that the present State of "the Country might with facility be reme-
"dy'd (that is by suing for a Tobacco Law) 'tis Miserably

" known how much 'tis wanting were Honesty us'd as tis Lib. M.
" pretended now a Sincere & hearty Attachment to our Selves
" & posterity can't be better Demonstrated then by pusing
" Viger[ly] while the Gapp is Open therefore as an Expedient
" (my honest Country men) Let us meet at Queen Ann Town
" on Munday the 28th of this Instant to Assert our Rights
" Arm'd in a Suitable Manner to our good & honourable
" Pretentions we Desire it may be Publish'd.

20th October 1728

And Desires the Advice of this Board what is Necessary to be done relateing thereto, who are of Opinion that it is highly reflecting on the Legislature of this Province and that Proclamations ought to Issue imediately requireing the Severall Officers both Civil & Military in Prince George & Ann Arundell Countys to have a faithfull & watchfull Eye over the peace thereof and that his Ex[ly] by the same Proclamation Offer 50[l] reward to any person that shall Discover the Author or Disperser of the said paper so as they be Convicted thereof by due Course of Law which Proclamation being prepared Read & Agreed to by this Board, is as follows Viz.

Maryland ss

" By his Excellency Benedict Leonard Calvert Governour
" and Commander in Chief in and over the Province of
" Maryland

A Proclamation p. 2

Whereas I have certain Information that many Seditious & Scandalous papers have Lately been Dispersed in Prince Georges County, Injuriously Reflecting on the Legislature of this Province, and tending to a riotous Disturbance of the Peace of his Majesties Subjects therein, by Inviteing Persons to meet at Queen Anns Town, on Munday next the Twenty Eighth Instant, in an Armed and hostile manner, then and there to Consult Rebellious and Illegall ways to Awe and force the present Generall Assembly to Comply with certain pretended Demands; all which is Contrary to the Safety and ffreedom of Legislation, the Honour of the Government, and wellfare of the good people of this Province, I have therefore thought fit (with the Advice of his Lordships Council of State) to Issue this my Proclamation, hereby requireing all Officers both Civill and Military within this Province, to have a faithfull and watchfull Eye, over the peace thereof; and to Vse all Lawfull ways & Means to Discover & Suppress all Such riotous & unlawfull Meetings & Assemblys, and to make Early and Diligent Enquiry into the Arthors and Dispursers of Such Seditious & Scandalous papers, that they and all

Lib. M. persons therein Concerned may be brought to Condign Punishment, for such their Disturbance of the good Rule, Peace and Government, of this Province; And for the better Discovery of the Authors and Dispersers of the said papers, I do hereby (by the Advice aforesaid) Offer and Promise the Sume of Fifty Pounds Current Money to any person or persons that shall make Discovery before some Magistrate of any Author or Authors, Disperser or Dispersers, of the Papers as Aforesaid, so that the said Offender or Offenders, shall be Convicted thereof by Due Course of Law; And I do hereby Strictly Charge and Command the Severall Sheriffs of this Province to make this my Proclamation Imediatly publick in their respective Countys (in the Vsuall manner) that all persons may yeild Due Obedience hereto, as they will Answer the Contrary at their Perils. Given at the City of Annapolis this 26th Day of October, In the fourteenth year of his Lordships the Lord Proprietarys Dominion &c Annoq Dm. 1728 Which Isued to Ann Arrundell & Prince Georges Countys Accordingly

At a Council held at the House of his Excellency on the 31st of October Anno Dm: 1728

Was Present

His Excellency Benedict Leonard Calvert Governour

P. 3

Coll: Wm Holland	Benja Tasker Esqr
John Hall. Esqr	Philip Lee Esqr
Phil: Lloyd Esqr	Nicholas Lowe Esqr
Coll Richd Tilghman	Charles Calvert Esqr
Coll: Matthew T. Ward	

Members of his Lordships Honble Council

Mr John Abington of Prince Georges County being sent for Appears at this Board and being shewn the Scandalous Seditious paper lately Dispersed in the said County Declars he knows not the hand writeing but had before seen one of the same purport which he believed to be the handwriteing of Prat of the County Aforesaid and being Interrogated what he knows of the said paper makes the following Deposition Viz.

"On Wednesday last was Sevenight comeing from my "Store at Rock Creek I meet with John Allison about half a "Mile from the Ferry on Rock Creek side, I askt him what "news from Annapolis (understanding he came from Patuxent) "he told me he could not tell, but I might know if I would "Look on a Note he pin'd up at the Ferry Landing on a Tree

"which he had found on the Road as he came a Long and Lib. M.
"was Desired to put it up there, with that I parted with him
"and had no more Talk, this is what I know, and could De-
"clare it on my Oath Sworn to the Truth of the above written
"Facts by Mr John Abington, before the Governour & Coun-
"cil this 31st of October 1728 Test

Geo. Plater Cl. Co.

Philip Lee Esqr one of his Lordships Provincial Justices lays before this Board the Deposition of Edward Harris of Queen Anns County taken before him & Coll: Levin Gale one other of his Lordships said Justices the Tenor of which is as follows, Viz.

"The Deposition of Edward Harris of Queen Anns County
"Aged about Twenty nine Years being Sworn on the Holy
"Evangelists of Almighty God, before the Honble Philip Lee
"Esqr & Coll Levin Gale two of his Lordships Justices of the
"Provincial Court and Interrogated Declares as follows Viz.

"This Deponant Saith to the best of his knowledge on
"Tuesday night the 15th of this Instant October he was going
"through George Nelsons Middle Room, where they Some-
"times Dress Victuals, and there was a Company of about tenn p. 4
"or Dozen Men Sitting in said Passage, amongst which there
"was one Man had a Sword by his Side (who as this Depont
"was Inform'd) was Majr Samll Perrie who upon Sight of this
"Depont Damn'd him, and Ask'd him Severall times, if he
"was for a Tobacco Law, or not, if he was, that he should
"have some punch (if not) he should have none, and that his
"Room was very good Company this Deponant also Saith
"that an Old man Lost some money at Dice that Night they
"Call Drury Swore that Mr Perry or himself should fight him
"Either with a Sword or without it. This Depont further
"Saith that it Instantly Came into his mind of Mobbs, that
"Constraines persons Either to Agree with their Sentiments or
"to be knock'd Down, the Consequence that might happen he
"did not know, However, Answered 'em as followeth, first
"that if he wanted any Punch, he Cou'd have it without being
"Obliged to them, Secondly that his Declareing himself for, or
"against a Tobacco Law, wou'd be of no Service to the Coun-
"try, because he had no Vote in the House of Assembly but
"as he had a Family to Maintain, should be Very Glad of a
"Tobacco Law provided 'twas a good one." Thirdly, he
"further Saith, that he told 'em that if he had Disobliged any
"of the Company, he shou'd think it his Duty to Ask pardon,
"but in as much, as knew he had given no Offence, he made

Lib. M. "use of this Extravagant Expression Viz: that he wou'd as "soon be Damn'd to a Triffle, as Submit, and be bullied by "them, notwithstanding there was so many of 'em and had a "Sword, upon which this Depon^t Saith, Three or four of the "Company rose of their Chairs and very much Importuned "him to Sitt Down with 'em, he also Saith that he Directly "Called for a Bowl of Punch, & satt Down with 'em, and "after some Discourse they told this Depon^t that severall "people had been peeping in, and Listning to their Discourse "had made Remarks and Spoke of Severall things that was "said amongst 'em, and that they thought Mr Peter Taylor to "be one that took Notice of what they said & this Depon^t for "another, However] In a Short time Mr Perrie begun to Curse "the Eastern shore Burgesses prodigiously, because they was "against a Tobacco Law, but particularly James Hollyday "Esqr and that he said Hollyday was not fitt to be in the "House, this Depon^t saith that he Asked said Mr Perrie why "and said Perrie answer'd that Mr Carrol Bullied and Scared "Mr Hollyday some time ago about a Tobacco Law and that "said Hollyday was Influenced by Esqr Bennett Likewise from "makeing a Tobacco Law. This Depon^t also saith that he "told Mr Perrie that he never took Mr Hollyday To be Such a
p. 5 Man, Neither did he believe that Esqr Bennett ever Concern'd himself so much in State Affairs as to Endeavour to Sway or Rule the Governm^t said Perrie Directly Swore by his God it was true and that he wou'd Justifie it to their faces and that he knew Esqr Bennett wou'd give a Thousand pounds to Subvert the Government, and that there shou'd not be a Tobacco Law.

Abundance of more words happned (amongst which) this Depon^t saith to the best of his knowledge s^d Samuel Perrie, one Bigerhead a Young Fellow they Call'd Wilson, and the Afs^d Drury that Lost money at Dice, did say and Swear, they wou'd have a hundred Prince Georges County men upon the Stadt House hill Either that week, or the next, to face the Assembly in Order to Obtain a Tobacco Law

This Deponant further Saith that he Asked 'em what good the mens Comeing wou'd do with the Assembly, for, that if they had a mind to Petition for a Tobacco Law, they might do that without Comeing in a Body (better than to Appear in so rude a manner) this Depon^t saith that said Bigerhead, some of the rest, and to the best of his Knowledge Mr Perrie, Answered him in this Manner, That they Cou'd bring fifty Prince Georges County men that Cou'd Drive a hundred Eastern shore men and gett such Laws as they wanted. This Depon^t further saith that there was a great Deal more unbecoming Discourse Amongst them, but

this is the heads that Occurs at present, and that what he Lib. M
Chiefly Minded was what Maj^r Perrie said of Esqr Bennett, and Esqr Hollyday, and that he did Design to have told Mr Hollyday of it next Day, but having just then a Petition in the Lower House of Assembly Deffered it beleiving it might do him an Injury, and further this Deponant Saith not, only that M^r McGruder the Burgess was in Company Some of the time, and he beleives heard Mr Perrie Speak about Esqr Bennett and Esqr Hollyday

The Deposition in this Sheet taken before

Phillip Lee &
Levin Gale

Which being Read & Consider'd it is Order'd by this Board that the said Justices or Either of them take Such p. 6
Measures against the aforementioned Samuel Perrie Drury Bigger Head and Wilson as is agreeable to Law and that they or Either of them vse their utmost Endeavours to Discover Such other persons as have been Concerned in Encourageing & Countenanceing any of the Measures proposed in the said Paper or in the Publishing or Dispersing thereof.

Order'd that Copys of the said Depositions and such other Papers as relate thereto be Transmitted to the Attorney General in order to take such Measures as the Law Directs to Punish the said Offenders.

Order'd that the Clerk of this Board give Notice hereof to the said Justices with all Convenient Speed.

The before mentioned Edward Harris appears at this Board psuant to a Recognizance entred into before the said Justices & order'd that the said Harris be Discharged therefrom

Severall Accounts being Laid before this board for work done to the Council Room Order'd that Charles Calvert and Benj^a Tasker Esqr Inspect & settle the same with the Severall Persons in order to be Allowed at the next Council

At a Council held in the Council Chamber on Saturday the 2^d of November 1728

Was Present

His Excellency Benedict Leonard Calvert Governour

The Hono^ble	Coll Wm Holland John Hall Esqr Philemon Lloyd Esqr Coll Richd Tilghman	Coll Mathew T. Ward Benj^a Tasker Esqr Nich^s Lowe Esqr Charles Calvert Esqr

Members of his Lordships hon̄ble Council

Lib. M. p. 7 The following Accounts for Materials & work Done to the Council House which have been Inspected by Benj^a Tasker and Charles Calvert Esq^rs ꝑsuant to a former order are Laid before this Board Viz.

		l.	s.	d.
Phillip Lloyd Esqr his Account		3..	0..	0
Daniel Dulany Esqr	D°	7..	0..	6
Sam^ll Miniskee	D°	4..	9..	2
John Smith	D°	30..	19..	6
Patrick Creagh	D°	1..	15..	0
		47..	4..	2

Which are Allowed & Order'd that the Clerk Draw Orders for the Several Sum̃es on the Treasurer of the Western Shoare to be paid out of the 3^d ꝑ hh^d for Arms &c

Order'd that Charles Calvert & Benj^a Tasker Esqr get a handsome Table made for the Council Room and Window Shuters made to all the Cellar Windows under the said Room and that they View the Guns in the City of Annapolis which are very much out of repair and agree with workmen to make Strong Carriages for them and that when the same are so made & Done and the Account thereof Allowed by them the said Tasker & Calvert that the Clerk of this Board Draw an Order for the Charge thereof on the said Treasurer of the Western Shoare to be paid out of the 3^d ꝑ hh^d for Arms &c And in Case the Said Carriages cannot be Conveniently made or got here then it is Order'd that the said Treasurer send to England for them as also for a handsome Carpet for the said Table One Large Elbow Chair and Twelve fashion^ble Strong Rusia Leather Chairs wth high backs a handsome wooden lacquer'd Branch for 12 Candles and 12 Single Brass Sconces for the said Room.

At a Council held at the House of his Excellency the Governour in the City of Annapolis on Thursday the 6th Day of ffebruary in the ffourteenth year of his Lordships Dominion &c Annoq Dm: 1728.

Was present

His Excellency Benedict Leonard Calvert Governour

p. 8 John Hall Esqr, Philemon Lloyd Esqr, Coll Richard Tilghman, Coll Mathew Tilghman Ward, Benjamin Tasker Esqr, Charles Calvert Esqr

Members of his Lordships Hono^ble Council

His Excellency Produces to this Board his Lordships Especial Commission Appointing the Hono^ble Edward Henry Cal-

vert Esq[r] his Brother the first person of his Lordship's Privie Lib. M.
Council of State within this Province, which being Read is Order'd to be Entred and is as follows Viz.

C Baltemore Charles Absolute Lord and Proprietary of the Province of Maryland and Avalon Lord Baron of Baltimore &c To our Dearly beloved Brother Edward Henry Calvert Esq[r] Greeting Know you that we Reposeing special Trust and Confidence in your Wisdom and Diligence have Assigned and Appointed you to be of our Privie Council of State within our said Province of Maryland And We do hereby give unto you full Power and Authority from time to time and at all times untill We or our heirs shall Signifie our or their Pleasures to the Contrary, to Assemble and meet with our Governour of the said Province of Maryland and the other Members of our said Council for the time being when and where he our said Governour shall from time to time Direct and Appoint, to treat Consult Deliberate and Advise of all Matters Causes and Things which shall be Discovered or brought before you and the rest of our said Council, as well Concerning the Quiet Government and regulateing of the people there, as for the Good and Safety of our Said Province of Maryland. And for the better and more peaceable Government of our said Province of Maryland we do hereby Appoint you a Justice or Commissioner for Conversation of the Peace of our said Province with full power and Authority to do and Execute all and every Act and Acts Thing and Things incident and belonging thereto which any other Person of our said Council hath or ought to have Exercise or Enjoy as one of our said Council, Iustice or Commissioner as aforesaid And Lastly Our Will and pleasure is that you our said Brother Edward Henry Calvert shall be the first person of our Said Council, and you are hereby Authorized and Appointed to take have and hold the first and Chief place therein. Provided you our said Brother (before you take upon you the Execution of any p. 9
Powers and Authorities hereby granted) Do take the Severall Oaths, and Act and do all and Every matter and Thing requisite and Necessary thereto, or which any other Person of our Said Council hath or Ought to have taken and done To which all and Every Person and Persons of our said Province are hereby required to pay Due and ready Obedience as they will Answer the Contrary at their Peril. Given under our hand and Greater Seal at Arms the nineteenth day of June in the Second Year of the Reign of our Sovereign Lord King George the 2[d] and in the fourteenth year of our Dominion over the said Province. Annoq Dni 1728 [Seale]

Lib. M. Whereupon the said Edward Henry Calvert takes the Severall Oaths Appointed to be taken by Act of Assembly of this Province as also the Oath of Councellour and Subscribes the Oath of Abjuration and Test According to the Direction of the Act Aforesaid and takes his place at this Board Accordingly

Ordered that the Clerk of this Board Draw an Order on Coll Sam[l] Young Treasurer of the Western Shoare payable to John Young for his Years Sallary for Cleaning the Arms &c Ending the 11th Day of January last to be paid out of the 3[d] ꝑ hh[d] for Arms &c.

p. 10 At a Council held at the House of His Excellency the Governor in the City of Annapolis on Thursday the 13th Day of February in the fourteenth year of his Lordps Dominion &c Annoq Domini 1728.

Present

His Excellency Benedict Leonard Calvert Governor

The Hon-our-able	Edward Henry Calvert Esq[r] John Hall Esq[r] Philemon Lloyd Esq[r] Coll Richard Tilghman	Coll Matthew Tilgman Ward Benjamin Tasker Esq[r] Charles Calvert Esq[r]

Members of His Lordships Honourable Council

His Excellency the Governor acquaints the Members of this Honourable Board that by the Right Honourable the Lord Proprietarys Instructions He has appointed M[r] John Ross Clerk of the Council within this Province And thereupon the said John Ross produces his Excellencys Commission to him for the same. On the back whereof it appears that the said John Ross has taken (before His Excellency) the several Oaths appointed to be taken by Act of Assembly of this Province, and subscribed the Oath of Abjuration and Test according to the Directions of the Act af[d] and the said John Ross having taken before this honourable Board the usual Oath for the due Execution of the af[d] Office is accordingly admitted

The Tenour of which Commission is as follows.

Maryland

Charles Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltemore &c To our trusty and wellbeloved John Ross of the City of Annapolis in Our Province of Maryland Greeting Forasmuch as We do repose special Trust & Confidence in your Integrity Fidelity Skill and Cunning in Clerkship We have thought fit and do

by these Presents give and grant unto You the said John Ross Lib. M.
the Office of Clerk to Our Governor and Council of Maryland hereby appointing authorizing & impowering you to have hold exercise, use and enjoy the said Office, and to take and receive to your own proper Use and Behoof as well the Salary usually allowed as also all and singular other the Rights Profits Benefits Perquisites and Advantages thereto belonging or in any wise appertaining in as ample manner as any of the Clerks to Our said Gov[r] and Council have used To have hold exercise receive and enjoy the same for and during Our Good Will and Pleasure Witness Our Dear Brother Benedict Leonard Calvert Our Governor and Commander in Chief in and over Our Province of Maryland this 11th Day of February in the fourteenth Year of Our Dominion Annoq Domini 1728 { Great Seal } Bend[t] Leon[d] Calvert

His Excellency the Governor acquaints this Board that p. 11
having lately received some Add[l] Instructions from His Majesty desires the Opinion of this Board what may be most expedient to be done therein, which Instructions are in the following Words Viz.

"Additional Instruction to Our Right Trusty and Wel-
"beloved Charles Lord Baltimore, of Our Kingdom of Ire-
"land Proprietor and Governor of Our Province of Maryland
"in America, And in his Absence to the Commander in
"Chief of the said Province for the time being. Given at
"Our Court of Richmond the 18th Day of June 1728 in the
"second Year of Our Reign.

[Seale] George R

Whereas We were pleased by Our Order in Council of the 15th Day of June 1727, a Copy whereof is hereunto annexed, to declare Our Royal Pleasure that in all the Prayers, Litanies and Collects for the Royal Family, instead of the Words [His Royal Highness George Prince of Wales the Princess and their Issue and all the Royal Family] there should be inserted [Our Gracious Queen Caroline, the Royal Issue and the rest of the Royal Family] And whereas the same hath not been hitherto signifyed to the Governors of Our Plantations in America; Our Royal Will and Pleasure is, That in all the Prayers Litanies and Collects for the Royal Family, to be used within Our Province of Maryland, under your Government, instead of the Words [His Royal Highness George Prince of Wales, the Princess and their Issue and all the Royal Family] be inserted [Our Gracious Queen Caroline

Lib. M. the Royal Issue and the Rest of the Royal Family] And for the better Notice hereof in Our said Province, It is Our further Will and Pleasure, that you cause the same to be forthwith published in the several Parish Churches, and other Places of Divine Worship, within the said Province, And that you take Care that Obedience be paid thereto accordingly.

G. R.

This Board are humbly of Opinion that the properest Method of making the said Instructions publick is by causing Proclamations to issue to the Sheriffs of the several Counties requiring them to publish the said Proclamations in the several Parishes within their said Counties

Ordered that Proclamation be prepared accordingly

His Excellency the Governor having signifyed to this Board that he has nothing of Moment to lay before the Assembly which stands prorogued to the second Tuesday in March desires the Opinion of this Board when is a proper Time to prorogue it to who are of Opinion that the second Thursday in July next being the 10th Day of the Same Month is the most convenient Time to prorogue them to in Order to their then meeting for the Dispatch of the Publick Business

Ordered that Proclamation issue accordingly

p. 12 Maryland ss

By His Excellency Benedict Leonard Calvert Governr & Commandr in Chief in & over the Province of Maryland

A Proclamation

Whereas the present General Assembly of this Province stands prorogued to the Second Tuesday in March next being the Eleventh Day of the Same Month And whereas there is no Business of Moment which requires their Attendance at that Time I have therefore thought fit with the Advice of His Lordships Council of State further to prorogue the same And I do hereby further prorogue the same to the second Thursday of July next being the tenth Day of the same Month And I do strictly charge and Command the several Sheriffs of this Province to give Notice as well to the several Members of His Lordps hon̄ble Council residing within their several Counties as also to the Representatives of their said Counties that they convene themselves together at the City of Annapolis the tenth Day of July next then and there to do and Consent to such Things as shall be proposed ordained and enacted for the Benefit of the Inhabitants of the said Province And to the Intent that all Persons concerned may

have due Notice thereof I do strictly charge and Command Lib. M.
the sev[l] Sheriffs of this Province to make this my Proclamation publick in their respective Counties in the usual manner as they will answer the Contrary at their Peril Given at Annapolis this 13th Day of February in the fourteenth Year of His Lordps the Lord Proprietarys Dominion &c Annoq Domini 1728 [Great Seal]

At a Council held at the House of his Excellency the Governor in the City of Annapolis on Tuesday the 18th Day of February in the fourteenth Year of His Ldps the Lord Proprietarys Dominion &c Annoq Dmi 1728.

Present

His Excellency Benedict Leonard Calvert Governor.

The Honourable	Edward Henry Calvert Esq[r] John Hall Esq[r] Philemon Lloyd Esq[r] Coll Richard Tilghman	Coll Matthew Tilghman Ward Benjamin Tasker Esq[r] Charles Calvert Esq[r]

Members of His Ldps Honble Council

The Proclamation being prepared pursuant to an Order of p. 13
this Board of the 13th Instant was read, and approved of, and ordered to issue accordingly.

The Tenor of which is as follows

Maryland ss.

By His Excellency Benedict Leonard Calvert Gov[r] & Command[r] in Chief in & over the Province of Maryland

A Proclamation

Whereas I have received His most Sacred Majestys Instructions bearing Date at the Court of Richmond the 18th Day of June 1728 in the second Year of his Reign thereby declaring his Royal Will and Pleasure that in all the Prayers Litanies and Collects for the Royal Family instead of the Words [His Royal Highness George Prince of Wales the Princess and their Issue and all the Royal Family] there should be inserted [Our Gracious Queen Caroline the Royal Issue and the Rest of the Royal Family] with His Royal Command That his said Will and Pleasure be forthwith published in the several Parish Churches and other Places of Divine Worship within this Province that Obedience be paid thereto accordingly I do therefore by and with the Advice of His Lord-

Lib. M. ships Honourable Council publish this my Proclamation notifying the same to all his Majestys Good Subjects that in the several Parish Churches and other Places of Divine Worship within this Province in all the Prayers Litanies and Collects for the Royal Family instead of the Words [His Royal Highness George Prince of Wales the Princess and their Issue and all the Royal Family] be for the future used and inserted [Our Gracious Queen Caroline the Royal Issue and the rest of the Royal Family] And I do strictly charge and Command the several Sheriffs of this Province to make this my Proclamation publick in the several Parishes within their said Counties in the usual manner that the most publick Notice may be had thereof as they will answer the Contrary at their Peril Given at Annapolis this Eighteenth Day of February in the fourteenth Year of His Lordships the Lord Proprietarys Dominion &c Annoq Dni 1728.

{ Great Seal }

Ordered that Benjamin Tasker Esqr purchase of Captn Colvill four Dozen of Flag Stones to be laid in the Front of the Foundation of the Council Room, and that he agree with a Workman for the laying thereof, and that the said Benjamin Tasker draw an Order upon the Treasurer of the Western Shoar payable out of the Duty of the 3^{d} ꝑ hh^{d} for Arms &c for the Payment of the same.

p. 14 Coll Richard Tilghman produces to this Hon̄ble Board the Copy of an Order of this Board's of the 27th February 1719 Directed to him, in the following Words.

By the Govr and Council

Ordered that Coll Richard Tilghman treat with and buy several Arms that are offered to be sold by Mr Richard Bennett and Captn Pattison, and that the said Coll Tilghman draw upon the publick Treasurers or either of them for the money that he shall agree for, for the said Arms, And the said Treasurers or either of them are hereby required to pay the same upon the said Coll Tilghman's Order out of the money due from them for Arms

John Beale Cl Con.

On the back of which was the following Endorsement.

Pay unto Richard Bennett Esqr and Com^{py} the sum of One

hundred Eighty Seven pounds thirteen Shillings and six Lib. M.
Pence Sterling Money on Acco^t of the within Order I am
Y^r humble Servant
To Robt Ungle Esqr Treasurer R^d Tilghman
of the Eastern Shoar

And the said Coll Tilghman says that the Arms were bought and delivered at Annapolis for which the above Order was drawn, and as Mr Bennett has returned him the Order, and (as he believes) never received the money, nor Mr Ungle ever (as he can find) charged the Publick therewith, he humbly leaves it to the Consideration of this board what may be proper to be done therein

This Board are of Opinion in Relation thereto that the properest thing to be done at present, is, that Mr Chamberlain search among the Papers of the late Mr Ungle, if the said Order is any ways charged among his Acc^ts and make Oath of his having so done, to be produced at the next meeting of this Honble Board.

Mr Vachel Denton Clk of the Provincial Court produces to this Board the Journ^l of Accounts for several years; upon Inspection whereof it was found that many were wanting, whereupon the said Mr Denton says it was with Difficulty he found these, they being upon loose Papers, but will endeavour, if possible to find the rest.

At a Council held at the House of His Excellency the p. 15
Governor in the City of Annapolis on Thursday the 10th Day of July in the fifteenth Year of His Lordships Dom. &c Annoq Domini 1729

Present

His Excellency Benedict Leonard Calvert Governor

Edward Henry Calvert Esqr
Coll. William Holland
Philemon Lloyd Esqr
Coll. Richard Tilghman
Coll Matthew Tilghman Ward
John Rousby Esqr
Benjamin Tasker Esqr

Members of His Ldps Honble Council

His Excellency the Governor acquaints this Honourable Board that He has received His Lordships Instructions appointing Coll John Rider a Member thereof.

Whereupon the s^d Collonel Rider took the Oath of a Councillor, and the several Oaths appointed to be taken by Act of

Lib. M. Assembly of this Province, and subscribed the Oath of Abjuration and Test according to the Direction of the Act aforesd and takes his Place at this Board accordingly.

At a Council held in the Council Room on Thursday the 24th Day of July in the fifteenth year of His Lordship's Dominion &c Annoq Domi 1729.

Present

His Excellency Benedict Leonard Calvert Governor

The Honourable	Edward Henry Calvert Esqr	Coll Matthew Tilghman Ward
	Coll William Holland	John Rousby Esqr
	John Hall Esqr	Benjamin Tasker Esqr
	Philemon Lloyd Esqr	Philip Lee Esqr
	Coll Richard Tilghman	Coll John Rider

Members of His Ldps Honble Council

Mr Samuel Chamberlain according to the directions of this Board of the 18th of Febry last produces an Account taken from the Books of Robert Ungle Esqr deceased late Treasurer of the Eastern Shoar of this Province, which Acct is as follows Viz.

p. 16 1720 The same stock for the Duty of 3d p hhd for Arms &c in Lib C. fol. 25

		1720
To the Governors Ordr to Coll Tilghman		187.. 13.. 6
To Ball to fol 40.		106.. 03.. 8
	fol 40.	£293.. 17.. 2
By Ball due to the Pub: on this Acct fol 24.		256.. 7.. 2
By Duty of 3d p hhd on this Acct to Septr (Mar. 25)		37.. 10
		£293.. 17.. 2

1720 The same Stock for the Duty of 3d p hhd for Arms &c. Liber C. Fol 40

To Salary of £ s d 29: 11: 4	0.. 14.. 9	By Ball due to the Sub: on this Acct fol 25	106.. 03.. 8
To Ballance due to the Country 26th July 1721	135.. 00.. 3	By the Naval Officer at Oxford 1721	24.. 01.. 3
	135.. 15	By Do of Coll Elzey July 12th	5.. 10.. 1
			135.. 15..

Lib. M.

		26 By Ball due to the Publick	135.. 00.. 3
To Salary of £133.. 1.. 7½	3.. 06.. 6	By the Navl Offr at Oxford for the Duty of 3d p hhd to 31st Aug. 1721	32.. 17.. 6
By Ball. due carried to fol. 41	264.. 15..4½	1722 by the Navll Offr at Annapolis	43.. 14.. 1½
		18 By Do at Pocomoke	10.. 10.
		24 By Do at Oxford	46
	268.. 01.. 10½		268.. 01.. 10½

Maryland

Then Came before me the Subscriber One of His Lordships Justices of the Provincial Court Samuel Chamberlain & made Oath on the Holy Evangelists of Almighty God that the above is a true Copy from Mr Robert Ungles Books to the best of His Knowledge Certifyed before me this 12h Day of July Anno Domini 1729 Philip Lee.

Richard Bennett Esqr being called in produces to this Board an Order of Coll Tilghman's drawn on Mr Ungle Treasurer of the Eastern Shoar payable to himself and Company for the Sum of £187.. 13.. 6, which Order the sd Mr Bennett says Mr Ungle has never paid him, and also produces an Order of this Boards of 27th February 1719 directed to Coll Tilghman in the following Words

By the Govr and Council

Ordered that Coll Richard Tilghman treat with and buy several Arms that are offered to be sold by Mr Richard Bennett & Captn Pattison, and that the sd Coll Tilghman draw upon the Publick Treasurers or Either of them for the Money that He shall agree for, for the sd Arms, And the sd Treasurer or Either of them are hereby required to pay the same upon the sd Coll Tilghmans Order out of the Money due from them for Arms John Beale Cl Con.

On the Back of which was the following Endorsement Pay p. 17
unto Richard Bennett Esqr and Company the Sum of One

Lib. M. hundred Eighty Seven Pounds thirteen Shillings and Six Pence Sterling money on Acco^t of the within Order.

To Robert Ungle Esqr Treasurer of the Eastern Shoar

I am Y^r humble Servant
R^d Tilghman

Ordered that Mr Bennett make Oath of his not having received any thing in Satisfaction for the Sum above mentioned, which Oath was administred to him in the Words following Viz.

Richard Bennett makes Oath on the Holy Evangelists of Almighty God that he hath not received the sum of One hundred Eighty Seven Pounds thirteen shillings and Six Pence Sterl nor any Part thereof due to him upon an Order of Coll Tilghmans drawn by Order of this Board of 27th February 1719 on Mr Ungle Treasurer of the Eastern Shoare, neither hath he ever brought it into Acco^t between them nor received anything in Satisfaction thereof

Mr Bennett having taken the Oath abovementioned, and delivered up the former Order of this Board directed to Coll Tilghman, & Endorsed to him & Company; Ordered that the Clerk of this Board draw an Order upon Coll Samuel Young Treasurer of the Western Shoar for the said Sum of One hundred Eighty Seven Pounds thirteen Shillings & Six Pence Sterling which Order was made out accordingly in the Words following

24th July 1729
By the Governor & Council

S^r

Pay unto Richard Bennett Esqr or Order the Sum of One hundred Eighty Seven pounds thirteen shillings and Six Pence Sterling by an Order on Captn John Hyde Merchant in London out of the Money arising from the Duty of Three pence p hh^d lodged by you in his hands by Order of this Board on Account of a former Order of this Board received from Coll Richard Tilghman drawn upon Mr Robert Ungle late Treasurer of the Eastern Shoar for the like Sum, the s^d Bennet, having made Oath that he hath never received any Part thereof, nor anything in Satisfaction of the s^d Sum, and which former Order he hath now delivered up £187.. 13.. 6

Signed p Order
John Ross Col. Con.

To Coll Saml Young Treasurer of the Western Shoar.

At a Council held at the House of Peter Owerward in the City of Annapolis on Saturday the 18th Day of October in the fifteenth Year of His Lordships Dominion &c Annoq Domini 1729 Lib. M. p. 18

Present

His Excellency Benedict Leonard Calvert Govr

The Honourable { Edward Henry Calvert Esqr, Coll William Holland, Coll M. Tilghman Ward } Coll Richard Tilghman, Benjn Tasker Esqr

Members of His Lordship Honble Council

Whereas several of the County Clerks of this Province have been dilatory in transmitting the Levys of their several Countys to the Clk of this Board; Ordered that the Clerk write to them to transmit them to him in due Time in Order to be laid before this Board for the Inspection of the Governor & Council which Letter was wrote & sent accordingly

His Excellency the Governor having signifyed to this Board that he has nothing of Moment to lay before the Assembly which stands prorogued to the third Tuesday in Novem^r next desires the Opinion of this Board, when is a proper Time further to prorogue it to, who are of Opinion that the fourth Tuesday in March next being the 24th Day of the same month is the most Convenient Time, whereupon a Proclamation is ordered, issue in the following Manner

Maryland ss

By His Excellency Benedict Leonard Calvert Govr & Command^r in Chief in & over the Province of Maryland

A Proclamation

Whereas the present General Assembly of this Province stands prorogued to the third Tuesday in November next being the 16th Day of the same month, and whereas there is no Business of Moment which requires their Attendance at that Time I have therefore thought fit with the Advice of His Lordships Council of State further to prorogue the same And I do hereby further prorogue the same to the fourth Tuesday in March next being the twenty fourth Day of the same Month And to the Intent that all Persons concerned may have due Notice thereof I do strictly require and Command the several Sheriffes of this Province to make this my Proclamation publick in their respective Counties in the usual Manner as they will answer the Contrary at their Peril Given at Annapolis this 18th Day of October in the fifteenth Year of His Lordships the Lord Proprietarys Dominion &c Annoq p. 19
Domini 1729 { Great Seal }

Lib. M. At a Council held at the House of his Excellency the Governor in the City of Annapolis on Tuesday the 17th Day of February in the fifteenth Year of His Lordships Dominion &c Annoq Domini 1729

Present

His Excellency Benedict Leonard Calvert Govr

The Honourable { Charles Calvert Esqr, Coll Richard Tilghman, Coll M: Tilghman Ward } Benjamin Tasker Esqr, Philip Lee Esqr

Members of His Lordships Hon̄ble Council.

His Excellency the Governor acquaints this Board that He has received His Ldps Instructions appointing the Honourable Charles Calvert Esqr to take Place at this Board next to the President, His Lordship's Brother, whereupon the s^d Charles Calvert took his Place at this Board accordingly

His Excellency the Governor signifying to this Board, that he has nothing of Mom^t to lay before the Assembly, which stands prorogued to the fourth Tuesday in March next being the twenty fourth Day of the same month, desires their Opinion, when will be a proper Time further to prorogue it to, who say that the third Thursday in May next being the twenty first Day of the same month is the most Convenient Time; whereupon a Proclamation being ordered, issued accordingly in the following manner

Maryland ss

By his Excellency Benedict Leonard Calvert Govr & Command^r in Chief in and over the Province of Maryland

A Proclamation

Whereas the present General Assembly of this Province stands prorogued to the fourth Tuesday in March next being the twenty fourth day of the same Month, and whereas there is no Business of Moment, which requires their Attendance at that Time, I have therefore thought fit with the Advice of his Ldps Council of State further to prorogue the same: And I do hereby further prorogue the same to the Third
p. 20 Thursday in May next being the twenty first Day of the same month, And to the Intent that all Persons concerned may have due Notice thereof I do strictly require and Command the several Sheriffs of this Province to make this my Proclamation publick in their respective Counties in the usual manner as they will answer the Contrary at their Peril Given at

Annapolis this 17th Day of February in the fifteenth Year of His Lordships the Ld Proprietarys Dominion &c Annoq Dni. 1729 Lib. M.

{ Great Seal }

At a Council held at the House of His Excellency the Governor in the City of Annapolis on Wednesday the 18th Day of February in the fifteenth Year of His Lordships Dominion &c Annoq Dni 1729

Present as Yesterday

John Smith Carpenter produces an Acc^t^ to this Board, as follows

1729 The Publick	D^r^ £	s.	d.
To making 10 large Gun Carriages, & finding Plank & Diet at 40^s^ p Carriage	20..	00..	0
To making 4 D^o^ less & finding Plank & Diet at 30^s^ p Carriage	6..	00..	0
To paid for drawing the s^d^ Gunns to the Water Side at Eighteen pence p P^s^	1..	01..	0
To fixing them & finding Posts at 12^d^	0..	14..	0
To paid Mr Denton for a Barrell of Tarr to tarr them	0..	16..	0
Errors Excepted p	28..	11..	0

Jno Smith

The Above Account being read & Considered of, It is the Opinion of this board that the Charges therein contained are too great for the Services done, and are of Opinion that the Sum of Twenty two pounds is a Sufficient Recompense for the Services abovementioned and laying Slabs of Timber under the Wheels of the Guns where they now stand

John Smith being called in, is informed by His Excellency the Governor of the Resolution of this Board, who being contented therewith; Ordered that Coll Saml Young be directed to pay the said John Smith the same, which Order is directed to him in the following manner

By the Governor & Council
18th feb^ry^ 1729

You are hereby required to pay to John Smith or Order the Sum of Twenty Two pounds Currency out of the money

Lib. M. p. 21 arising from the duty of Three pence p hhd for Arms, being so much allowed him for Work done to the Guns

Signed p Order
To Coll Samuel Young Treasurer of the Western Shoar } John Ross Cl Con.

Samuel Minskie Smith produces the foll Account to this Board

1728/9 Dr Province of Maryland	£ s. d.	Contra	Cr
March To 20 Spicks for the Great Guns	0.. 15.. 0	By a parcel of Old Iron wt 39 & 3d p Lut	0.. 9.. 9
28 To 52 blunt bolts qt 119lb	4.. 02.. 6	By Ballance due	16.. 10.. 9
April 4 To 56 fore-lock bolts qt 53	1.. 19.. 6		
To 28 Eye bolts 26	0.. 19.. 6		
14 To 28 Ring bolts 39	1.. 09.. 3		
To 56 Linchpins 29	1.. 01.. 9		
May 23d To 28 Straps wg 93lt for keeping the Guns in the Carriages	3.. 09.. 6		
To 200 Nails for the Straps	0.. 06.. 0		
To 28 Chains & Staples wt 51lt to fasten the Guns & puting all the Iron Work on	1.. 18.. 3		
	£17.. 00 6		£17.. 00.. 6

Annapolis July 17th 1729
Errors Excepted By
Saml Minskie

Ordered by this Board that Coll Samuel Young Treasurer of the Western Shoar be directed to pay the sd Samuel Minskie the Ballance of the above Acct & the following Order is made out accordingly

By the Govr & Council
18th febry 1729

You are hereby required to pay to Samuel Minskie or Order the sum of Sixteen pounds Ten shillings and nine

pence Currency, out of the Money arising from the Duty of Lib. M.
Three pence ꝑ hhd for Arms, being so much allowed him for
Iron Work done to the Guns

To the Hon̄ble Coll Samˡ Young Signed ꝑ Order
Treasurer of the Western Shoar John Ross Cl. Con.

At a Council held in the Council Chamber on Thursday p. 22
the Seventh of May in the Sixteenth Year of His Lordships
Dominion &c Annoq Domini 1730

Present

His Excellency Benedict Leonard Calvert Governor

Charles Calvert Esqʳ	Collᵒ Matthew Tilghman Ward
Collᵒ Holland	John Rousby
John Hall	Benjamin Tasker
Philemon Lloyd	Philip Lee
Collᵒ Richard Tilghman	Collᵒ Rider

Members of His Lordships Hon̄ble Council

His Excellency the Governour produces to this Board Instructions from the Right Honourable the Lord Proprietary in Relation to the Dissents to some Laws and afterwards the Right Honourable the Lord Proprietarys Seperate Dissent to Each particular Law which Instructions and Dissents are as follows

Instructions

Charles Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore &c Orders and Instructions Powers and Authoritys to be Observed and Pursued by Our Dearly Beloved Brother the Honᵇˡᵉ Benedict Leonard Calvert Esqʳ Our Lieutenant Governour of Our Province of Maryland

C: Baltemore

You will herewith receive my Dissents to the following Acts of Assembly to be published and Entered on Record According to Your Forms Viz.

Whereas at a Sessions of Assembly begun and held in Our Province of Maryland the Third Day of October and ending the Second Day of November in the Fourteenth Year of Our Dominion over the said Province Annoq Domini 1728. These Acts passed An Act for Ascertaining the Form of the Oath of Judge or Justice. Also An Act for Improving the Staple of Tobacco. And a Supplementary Act to the Act Intituled

Lib. M. an Act for the Establishm[t] of Religious Worship in this Province according to the Church of England and for the maintenance of Ministers

And Whereas at a Sessions of Assembly begun and held in Our said Province of Maryland the tenth Day of July and ending the Eighth Day of August in the Fifteenth Year of Our Dominion Over the said Province Annoq Domini 1729 An Act concerning the Parishes in S[t] Marys and Charles Counties Also an Act reviving and continuing an Act to restrain the Ill Practices of Attorneys and to prevent their taking Money Fees, and Ascertaining what Fees shall be Allowed to the Practitioners in the Law who shall attend the Circuit Courts.

We on due Consideration had and taken of the said Acts have thought fit to Dissent unto them And do hereby declare the Aforesaid Acts to be Null Void and of no Effect.

Given under Our hand and Seal at London this Thirtieth Day of January in the Fifteenth Year of Our Dominion Annoq Dni 1729 C: B.

p. 23 Additional Orders and Instructions Powers and Authoritys to be Observed and Pursued By Our Beloved Brother the Honourable Benedict Leonard Calvert Our Lieutenant Governour of Our Province of Maryland.

Given by Us at London this Thirtieth Day of January Annoq Domini 1729

C: Baltemore

You are not upon any Account whatsoever to pass or Assent to any Act of Assembly for the Future by which the present Provision that is made for the Clergy in a Act Entituled an Act for the Establishment of Religious Worship may be in any degree taken away altered or diminished.

As I understand there have been Several Acts of late past for dividing and dismembring Parishes of the Province by which the Incumbents have unjustly lost great part of their Income, I think it necessary to give you positive Directions not to pass any Act for the future by which any Parish may be divided or any of the profits or provisions made for the Clergy may be taken away or given to others during the Life of the Incumbent for the time being without his consent.

And as I have been likewise Informed That private Acts have been frequently pas't in the Province without notice to or privity of the Persons concerned, You are for the future not to Assent to any private Act whereby the particular prop-

erty of Persons is any ways taken away or concerned without Lib. M.
regular notice to all Parties interested and liberty given them to make their defence.

You are likewise to publish and Enter all these Instructions on Record According to Your Form.

Given Under Our hand and Seal at London this Thirtieth Day of January in the Fifteenth Year of Our Dominion Annoq Domini 1729 C: B.

Dissents

C: Baltemore

Charles Absolute Lord and Proprietary of the Province of p. 24
Maryland and Avalon, Lord Baron of Baltemore &c. To Our Right Trusty and Dearly beloved Brother the Honourable Benedict Leonard Calvert Esqr Our Lieutenant Governour of Our said Province of Maryland, and To Our Right Trusty and well beloved, the Upper and Lower Houses of Our General Assembly there, and to all Others in Our said Province of Maryland for the time being Greeting Whereas at a Sessions of Assembly begun and held at Annapolis in Our said Province of Maryland the Third Day of October, and ending the Second Day of November in the Fourteenth Year of Our Dominion Over the said Province, Annoq Domini 1728 An Act, Entituled An Act for Ascertaining the form of the Oath of Judge or Justice, passed into a Law. On due Consideration thereof, We have thought fit to Dissent to the said Act; And do hereby declare the said Act Null, Void and of no Effect. Given under Our Hand and Seal at Arms at London this Thirtieth Day of January in the Fifteenth Year of Our Dominion Over the said Province, Annoq Domini 1729.

C Baltemore

Charles Absolute Lord and Proprietary of the Provinces of Maryland and Avalon, Lord Baron of Baltimore &c. To Our Right Trusty and Dearly beloved Brother The Honourable Benedict Leonard Calvert Esqr Our Lieutenant Governour of Our said Province of Maryland, And to Our Right Trusty and Well beloved, the Upper and Lower Houses of Our General Assembly there, and to all Others in Our said Province of Maryland, for the time being Greeting Whereas at a Sessions of Assembly begun and held at Annapolis in Our said Province of Maryland, the Third Day of October, and ending the Second Day of November in the Fourteenth Year of Our Dominion over the said Province, Annoq Domini 1728, An Act, Entituled, An Act for Improving the Staple

Lib. M. of Tobacco, passed into a Law, on due Consideration thereof We have thought fit to Dissent to the said Act and do hereby declare the said Act Null, Void and of no Effect. Given under Our Hand, and Seal at Arms at London, this Thirtieth Day of January in the Fifteenth Year of Our Dominion Over the said Province, Annoq Domini 1729.

C: Baltemore

Charles Absolute Lord and Proprietary of the Provinces of Maryland and Avalon, Lord Baron of Baltemore &c: To Our Right Trusty and Dearly beloved Brother, the Honourable Benedict Leonard Calvert Esqr Our Lieutenant Governour of Our said Province of Maryland, and to Our Right Trusty, and Well beloved, the Upper and Lower Houses of Our General Assembly There, and to all Others in Our said Province of Maryland for the Time being Greeting Whereas at a Sessions of Assembly begun and held at Annapolis in Our said Province of Maryland the Third Day of October 1728 And ending the Second Day of November in the Fourteenth Year of Our Dominion over the said Province Annoq Domini 1728 A Supplementary Act to the Act Entituled An Act for the Establishment of Religious Worship in this Province according to the Church of England and for the maintainance of Ministers. Passed into a Law On due Consideration thereof We have thought fitt to Dissent to the said Act, and do hereby declare the said Act Null, Void and of no Effect. Given under Our hand and Seal at Arms at London this Thirtieth Day of January in the Fifteenth Year of Our Dominion over the said Province Annoq Domini 1729.

C Baltemore

Charles Absolute Lord, and Proprietary of the Provinces of Maryland and Avalon, Lord Baron of Baltemore &c: To Our Right Trusty and Dearly beloved Brother, the Honourable Benedict Leonard Calvert Esqr Our Lieutenant Governour of Our said Province of Maryland, and to Our Right
p. 25 Trusty, and Well beloved, the Upper, and Lower Houses of Our General Assembly there, and to all Others in Our said Province of Maryland for the time being Greeting Whereas at a Sessions of Assembly begun and held at Annapolis in Our said Province of Maryland the Tenth Day of July and ending the Eighth Day of August in the Fifteenth Year of Our Dominion over the said Province Annoq Domini 1729. An Act concerning the Parishes in St Mary's and Charles Counties passed into a Law, On due Consideration thereof We have thought fit to Dissent to the said Act and do hereby

declare the said Act Null, Void and of no Effect. Given Lib. M.
under Our Hand and Seal at Arms at London this Thirtieth Day of January in the Fifteenth Year of Our Dominion Over the said Province Annoq Domini 1729.

C: Baltemore

Charles Absolute Lord, and Proprietary of the Province of Maryland and Avalon Lord Baron of Baltemore &c: To Our Right Trusty and Dearly beloved Brother the Honourable Benedict Leonard Calvert Esqr Our Lieutenant Governour of Our said Province of Maryland, And to Our Right Trusty, and Well beloved, the Upper and Lower Houses of Our General Assembly There and to all others in Our said Province of Maryland for the Time being Greeting. Whereas at a Sessions of Assembly begun and held at Annapolis in Our said Province of Maryland the Tenth Day of July and ending the Eighth Day of August in the Fifteenth Year of Our Dominion Over the said Province Annoq Domini 1729 An Act for reviving and continuing An Act Intituled an Act to restrain the ill Practices of Attorneys, and to prevent their taking Money Fees and ascertaining what Fees shall be allowed to the Practitioners in the Law, who shall attend the Circuit Courts; made at a Session of Assembly, begun and held at the City of Annapolis the Fifteenth Day of March Annoq Domini 1725, then passed into a Law, and now Revived by the above mentioned Act passed into a Law On due Consideration thereof, We have thought fit to Dissent to the said Act and do hereby declare the said Act Null, Void, and of no Effect. Given under Our Hand and Seal at Arms at London this Thirtieth Day of January in The Fifteenth Year of Our Dominion, Over the said Province Annoq Domini 1729.

Ordered Proclamation issue to Publish the Dissents of the said Laws

Proclamation issued in the words following

Maryland ss.

By His Excellency Benedict Leonard Calvert Lieutenant General and Chief Governour in and Over the Province of Maryland.

A Proclamation

Whereas His Lordship the Right Honourable the Lord Proprietary of this Province has Signified His Dissents to the Acts of Assembly hereafter mentioned Viz. To An Act for ascertaining the form of the Oath of Judge or Justice also To An Act for Improving the Staple of Tobacco also To a

Lib. 16. Supplementary Act to the Act Entitled An Act for the Establishment of Religious Worship in this Province according to the Church of England and for the maintenance of Ministers also to An Act Concerning the Parishes of St Marys and Charles Countys And to An Act reviving and Continuing An Act Entitled An Act to restrain the ill Practices of Attorneys and to prevent their taking Money Fees and Ascertaining what Fees shall be Allowed to the Practitioners in
3 26 the Law who shall attend the Circuit Courts made at a Session of Assembly begun and held at the City of Annapolis the Fifteenth Day of March Anno Domini 1725 Therefore that Publick Notice may be given of His Lordships Dissents to the said Laws I have thought fit by and with the Advice of His Lordships Council of State to Issue this my Proclamation And I do hereby in His Lordships Name Command and require the respective Sheriffs of the Several Counties in this Province to make due Publication hereof and of the same Dissents at all Public Places in their said Counties whereof they are not to fail at their Peril Given at Annapolis this Seventh Day of May in the Sixteenth Year of His Lordships the Lord Proprietarys Dominion Annoq Domini 1730 { Great Seal }

Ordered that the said Proclamation be recorded in the Secretary's Office, and that the Secretary's Clerk constantly observe to make a marginal Note against Each Law to notify the Time of the Proclamations issuing; publishing the Dissent to the same, which Order issued accordingly

His Excellency the Govr acquaints this Board, that He has received a Letter from the Right Honourable the Lord Proprietary directed to the Clergy of Maryland, and desires to advise with the Members of this Board the properest Method to Communicate the same; who humbly are of Opinion that His Excellency will be pleased to summon the Clergy in Genl to attend him at Annapolis, and there deliver the said Letter to them

His Excellency communicates to this Board part of a Lre from the Governor of Virginia, in which Letter was inclosed a Scheme for a Tobacco Law, which Scheme being read, he desires the Opinion of this Board, whether the Meeting of the Assembly be deferred till a longer Time, or that they should meet according to the last Prorogation; Advised that the Assembly meet according to the last Prorogation.

Ordered that the Clerk of this Board draw an Order on Coll Samuel Young Treasurer of the Western Shoar payable

to John Young for Forty Pounds Sterl being his Years Salary Lib. M.
for cleaning the Arms &c. Ending the 11th Day of January
last to be paid out of the Mony arising from the Duty of 3d ꝑ
hhd for Arms.

At a Council held in the Council Chamber on Thursday in the Afternoon, the 7th of May 1730

Present as in the Morning

His Excellency Communicates to this Board a Letter with the following Superscription.

For His Majesty's Especial Service To the Honble Benedict p. 27
Leond Calvert Esqr Deputy Govr of His Majesty's Province of Maryland in America; Or to the Commander in Chief of that Province for the Time being

Plantation Office Maryland

Wherein were inclosed the following Letter and Queries

Sr

My Lords Commissioners for Trade and Plantations command me to send the enclosed Queries to you, relating to the Province of Maryland, and to desire your particular Answers thereto as soon as maybe: I am Sr

Whitehall } Your most Obedient humble Servant
Decr 9th 1729 } Alured Popple

The Honble Benedict Leonard Calvert Esqr

What is the Scituation of the Province under your Government the Nature of the Country Soil and Climate, the Latitudes and Longitudes of the most Considerable Places in it or the Neighbouring French or Spanish Settlements? Have those Latitudes and Longitudes been settled by good Observations, and from whence are the Longitudes computed?

What are the Reputed Boundaries, and are any Parts thereof disputed, what Parts, and by whom?

What is the Constitution of the Government?

What is the Trade of the Province, the Number of Shipping, their Tonnage, and the number of Seafaring Men, with the respective Increase or Diminution, within Ten Years past?

Lib. M. What Quantity and Sorts of British Manufactures do the Inhabitants take from hence?

What Trade has the Province under your Government with any foreign Plantations or any Part of Europe besides Great Britain? How is that Trade carried on? What Commodities do the People under your Government send to, or receive from foreign Plantations

p. 28 What Methods are used to prevent illegal Trade; and are the same Effectual?

What is the Natural Produce of the Country, Staple Commodities & Manufactures besides Tobacco?

And what Value thereof in Sterling Money may your annually export?

What Mines are there?

What is the Number of Inhabitants, Whites and Blacks?

Are the Inhabitants increased, or decreased within the last Ten Years, how much, and for what Reasons?

What is the Number of the Militia?

What Forts and Places of Defence are therein your Government, and in what Condition?

What number of Indians have you, and how are they inclined?

What is the Strength of the Neighbouring Indians?

What is the Strength of your Neighbouring Europeans, French or Spaniards?

What Effect have the French or Spanish Settlements on the Continent of America upon His Majesty's Plantations, especially on your Province?

What is the Revenue arising within your Government, and how is it appropriated?

What are the Ordinary and Extraordinary Expences of your Government?

What are the Establishments Civil and Military within your Governm[t] and by what Authority do the Officers hold their Places?

It is desired that an Annual Return may be made to these Queries, that the Board may from time to time be apprized of any Alterations that may happen in the Circumstances of Your Government.

The foregoing Queries being read His Excellency the Governor desires the Advice of this Honble Board in returning the properest Answers thereto; who endeavour to advise his Excellency to return suitable Answers to some of them; but seeing there are so many and of such different Natures, the farther Consideration thereof is advised to be referred to another Meeting of this Board

At a Council held in the Council Chamber on Friday the Eighth day of May in 16th Year of His Lordship's Dominion &c Annoq Domini 1730. Lib. M. p. 29

Present as Yesterday

Ordered by this Board that the Constables of the several Counties return to the Sheriff of their County a List of the Inhabitants, Men, Women, and Children white and black in separate Columns at or before August Court next, and that the said Order be sent to the Sheriff of the several Counties, that the said Sheriff serve the Constables with a Copy thereof, and that the several Sheriffs return to His Excellency the Govr the said Lists as soon as they Come to their Hands; which Orders issued in the Words following

By the Governor and Council
8th May 1730

S^r

You are hereby required to serve Each particular Constable of the several hundreds within your County with a Copy of the within Order to them directed, and when they have made a Return to you of the List of Inhabitants, You are immediately to transmitt the same to the Governor

To M^r A B High Sheriff of D County — Signed ꝑ Order John Ross Cl Conl.

By the Governor and Council
8th May 1730

S^r

You are hereby required to transmit to the Sheriff of your County at or before August Court next in separate Columns a List of all the Inhabitants, Men, Women, and Children, White and Black, that are within your Hundred in Order for his laying it before the Governor and Council for their Inspection

To the respective Constables of Each Hundred in the County of D. — Signed ꝑ Order John Ross Cl Con.

The Petition of Several of the Inhabitants of Dorchester County, being read at this Board, is, as follows

To His Excellency Benedict Leonard Calvert Govr of Maryland, and His Honourable Council

Lib. M. The Petition of many the Inhabitants of Great Choptank Parish in Dorchester County

Most humbly Sheweth

p. 30 That in the said Parish the Church thereof is placed on the Side of Choptank River, a great distance from your Petitioners so that they could not possibly attend Gods Worship therein

That your Petitioners in Regard to the Great Distance to the Parish Church aforesaid, did in or about the Year 1709 by the Assistance of the then Vestry and their own Contribution obtain a Chappel of Ease scituate in Vienna Town by Nanticoak River on the other side of the Parish aforesaid

Notwithstanding the peaceable Enjoyment of the said Chappel ever since, as well as convenient Scituation of it; several Endeavours hath been made to remove the same, to the great Inconveniency of Your Petitioners, and since those Endeavours hath hitherto been frustrated by a suitable Opposition, so Your Pet^{rs} were in hopes of resting easy and quiet in the Use of the said Chappel for the future

But so it is May it please Your Excellency and Honours, the Vestry of the said Parish of late (to the Great Surprize of your Petitioners) did make an Appointment to meet at a Certain Place in Order to Chuse A Peice of Land, and Contract with a Workman to Erect another Chappel of Ease not distant from the former above five Miles; which accordingly they have done; althô there is no intervening Creek, Cove, Branch or Swamp between them whereby the People may be incommoded in their Passage; by which means Your Petitioners althô not at present may hereafter by such a Method be deprived of the abovesaid Chappel at Vienna which they have so long enjoyed

The Premises considered Your Petitioners humbly intreats such Relief herein, as may prevent the Vestry erecting the new Chappel, the securing and repairing the Old, or such Orders and Determinations in this Matter as in your Great Wisdoms may be for the Quiet and Ease of Your Petitioners in their Possession of the s^{d} Chappel, and preventing designing Persons giving them Uneasiness therein for the future, and Your Pet^{rs} as in Duty bound shall pray

Edwd Elliott	Mich^{l} Stockdell	Henry Parks
John Hurley	Jno Creek	Jacob Charles
Rog^{r} Hurley	Wm Smith	Isaac Charles
Darby Hurley	John Minish	Joseph Hust
Morris McKenney	Wm Guy	John Lamey
Rog^{r} Dudley	Nathl Mitchell	Robt Dixon

Thos Colson	And: Lord	Wm Rawley Junr	Lib. M.
James Baker	Capt. Jno Hodson 2dus	Wm Thornewell	
Charles Smith	Maj. Liv: Hicks	James Jones	
Wm Holloway	Capt. Thos Hicks	Matthew Clark	
Thomas Dyas	Jno Quartermus	James Rawley	
Henry Dyas	Pat: Quartermus	Leond Jones Senr	
John Edwards	Morris Rawley		
Robt Dyas	Wm Rawley		
Thomas Tacket	Solomon Davis		

Ordered that the Clerk of this Board give Notice to the Gentlemen of the Vestry of the sd Petition, and that they may attend to be heard to the Contents thereof at the Time of the meeting of the next Assembly, which Order issued accordingly p. 31

By the Govr and Council
8th May 1730

Gent

You have herewith a Copy of the Petition preferred to this Board by some of the Inhabitants within your Parish, and You are required to attend to be heard to the Contents thereof at the Meeting of the next Assembly

Signed p Order
John Ross Cl. Con.

To the Gent. of the Vestry of
Great Choptank Parish in
Dorchester County

Mr Denton Clk of the Provincial Court lays before this Board sevl Sheriffs bonds in Order for their Approbation, which being approved of, are Ordered severally to be so Endorsed

Ordered that the Clerk of this Board send the following Order directed to the Justices of the several County Courts within this Province, which Order was sent accordingly

Whereas it has been found that some of the Justices of the several County Courts within this Province have not been so regular in returning the Bonds taken from the Sheriffes of their Countys for the due Execution of their Offices in due Time. It is therefore recommended that Care be taken in the Transmission of the Bonds according as the Act of Assembly directs

The Petition of Jacob Lockerman preferred to this Board is as follows

Lib. M. Maryland ss.

To His Excellency Benedict Leonard Calvert Esqr Govr of Maryland & the Honble Members of His Lordships Council of the same Province

The Petition of Jacob Lockerman Junr Sheriff of Dorchester County

Humbly Sheweth

Whereas your Petitioner as Sheriff of the County af^{d} finds himself as he Conceives prejudiced in the Manner the Justices of Dorchester County have proceded in laying their last County Levy being different, from all Other Levies before laid in that County, And (as Your Petitioner is informed) from the Manner of the Publick and other Counties laying their Levies; The Prejudice Yo^{r} Petitioner Complains of, is, That the Justices have Charged him more than levied on the People, and have not allowed him his full Salary due to him by Law, as also charging him with Amerciaments, fines, & whats levied for squirrels, due to the County, before he Collects the same

p. 32 Your Petitioner applyed to the Justices of Dorchester County at the Time of laying their Levy, and informed them of the Hardships above mentioned, but they did not think proper to relieve him therein

And for that your Petitioner is informed that the proper Place to apply for Redress against the hardships complained of as af^{d} is before Your Excellency and Honours

Wherefore Your Petitioner most humbly prays Your Excellency and Honours to give him Leave to be heard before Your Excellency and Honours in Relation to the hardship he Conceives himself under in the Particulars above mentioned, And that upon proving the several Allegations by him above alleged, Your Excellency and Honours will be pleased to make such Order in the Premises for your Petitioners Relief, As to your Excellency and Honours shall seem just and reasonable, And Your Petit^{r} as in Duty bound will Ever pray &c.

The said Sheriff being called in and heard in Relation to his Petition; It is the Opinion of this Board that he make Application to the Justices of Dorchester County for Redress at the Time of their laying the next County Levy.

Philemon Lloyd Esqr produces to this Board a Remonstrance in the following Words.

To His Excellency the Governor and the Honourable Council of Maryland

The Remonstrance of Philemon Lloyd Esqr Deputy Secretary of this Province of Maryland.

Sheweth Lib. M.

That some Persons have obtained special Warrants to take up vacant cultivated Lands, and under Colour thereof (unknown to your Remonstrant) have had surveyed and laid out for them lands heretofore leased by his Lordships Agent unto Tenants as a Part, and deemed to be Part of his Lordships Mannors alledging the same Lands to be without the Lines of these Mannors; Notwithstanding the said Lands have been already leased and occupied by the Lessees as Part of those Mannors. Whereupon he humbly prays the Advice of this Honourable Board thereon.

The Consideration of the above Remonstrance is deferred for a Day or two.

At a Council held in the Council Room on Saturday the 23d Day of May in the sixteenth Year of his Lordships Dominion &c Annoq Domini, 1730 P. 33

Present

His Excellency Benedict Leonard Calvert Governor

The Honourable { Charles Calvert Esqr, Coll Wm Holland, Philemon Lloyd Esqr, Coll Rd Tilghman } { Coll M: Tilghman Ward, Benjamin Tasker Esqr, Philip Lee Esqr }

Members of His Ldps Honourable Council

The Vestrymen of Great Choptank Parish in Dorchester County appear at this Board and produce several Papers to shew that the Chappel intended to be built within the said Parish is designed to be Built by a Voluntary Subscription of the Parishioners; and that the Desire of the Subscribers to the Vestry to agree with a Workman and inspect the Work, is not to them as a Body but as private Persons.

The Petition of many the Inhabitants of Great Choptank Parish in Dorchester County exhibited to this Board on 8th Instant is rejected

It is the Opinion of this Board that Vestrys have no Power to appoint Places for the building Churches or Chappels without due application

At a Council held in the Council Room on Friday the fifth Day of June in the sixteenth Year of His Lordships Dominion &c Annoq Domini 1730

Present

Lib. M. His Excellency Benedict Leonard Calvert Governor

The Honourable	Charles Calvert Esqr	Coll M: Tilghman Ward
	Coll Willm Holland	John Rousby Esqr
	John Hall Esqr	Benjamin Tasker Esqr
	Philemon Lloyd Esqr	Philip Lee Esqr
	Coll Richd Tilghman	Coll John Rider

Members of His Lordship's Hon̄ble Council

His Excellency produces to this Board a Petition of Mr John Brannock

To the Honble Benedict Leonard Calvert Governor of the Province of Maryland

The Humble Petition of John Brannock of Dorchester County

Humbly Sheweth unto your Excellency

That Whereas John Eccleston Susanna his Wife Henry Trippe of Dorchester County the Executrix and Executor of Henry Tripp of Dorchester County dec'd brought their Action against your Petitioner in Dorchester County Court for the sum of Three thousand seven hundred fifty three pounds of Tobacco upon a Bill and your Petition^{r} by John Tollett his Attorney appeared and tendered a Plea of Discount in Bar of the said Action with an Account annexed to the said Plea proved before Two of His Lordships Justices of Dorchester County according to Law Yet nevertheless Henry Ennals Chief Judge of Dorchester County Court af^{d} with some of the Justices of the said County would not suffer or allow of your Petitioners Plea to be filed or received in the Defence of your Petitioner, and the said Henry did declare in Court that if your Petitioners Attorney would not deliver the said Account to the Court that He the said Henry Ennals would suspend him the said John Tollett of his Practice and thereupon Ordered that Judgment should be entered against your Petitioner that John Brannock came into Court & confess'd Judgment to the said Action whereas in Truth the said Entry was false for the said John Brannock did not come into Court and confess Judgment nor any other Person for him which Actings and Proceedings are against the good Rules of His Lordships Government and the Law in such Cases made and provided, and to the Great Injury of your Petitioner, wherefore he most humbly prays that the said Henry Ennals may answer the said Complaint before your Excellency, and that the several Evidences may be sworn and returned their Oaths

before your Excellency, if you in your Wisdom shall think fit Lib. M.
as Your Petitioner ever doth pray

John Brannock

Ordered that the Clerk of this Board send Major Henry Ennals a Copy of the said Petition, and that Summons issue for the said Mr Henry Ennals, and Mr John Tollett, and all such Evidences as the Petr shall desire, to attend this Board on the twenty second of July next.

Summons accordingly issued for Majr Ennals, and Mr Tollett, and at the Request of the Petitioner, for Mr Tobias Pollard and Mr Thomas Brannock

At a Council held in the Council Chamber on Tuesday the P. 35
sixteenth Day of June in the sixteenth Year of His Lordships Dominion &c Annoq Domini 1730

Present

His Excellency Benedict Leonard Calvert Governor

The Honble	Charles Calvert Esqr	Coll: M. Tilghman Ward
	Coll Will: Holland	John Rousby Esqr
	John Hall Esqr	Benjamin Tasker Esqr
	Philemon Lloyd Esqr	Coll John Rider
	Coll Richd Tilghman	

Members of His Lordps Honble Council

Forasmuch as it is represented to this Board that several Persons have attempted to procure Warrants, and to take up Lands heretofore supposed to be Mannor Lands and likewise Lands already leased or otherwise reserved for his Lordships Use

It is the Opinion of this Board that such Land ought not to be taken up by any Person whatsoever, but be and remain to his Lordship as Land reserved for his own Use althô not contained within the Bounds of any of His Lordships Mannors.

It is therefore ordered that no Person or Persons be permitted to survey or take up any such Lands, and that a Clause be inserted in all Warrants issuing out of the Land Office for the future restraining the Surveyors from laying out any such Land for any Person whatsoever

And it is farther Ordered that an Entry be made of the above Order in the Records of the Land Office for the better Information of all Persons concerned therein

Lib. M. And it is likewise Ordered that no Warrants be located upon Lands reserved or appropriated to the Use of the Indians

At a Council held in the Council Chamber on Tuesday the twenty second Day of July in the sixteenth year of His Ldps Dominion Annoq Domini 1730

Present

His Excellency Benedict Leonard Calvert Governor

The Honble { Charles Calvert Esqr, Coll William Holland, Philemom Lloyd Esqr } { Coll Richard Tilghman, Coll M. Tilghman Ward, Benjamin Tasker Esqr }

Members of His Ldps Honble Council

p. 36 To His Excellency Benedict Leonard Calvert Governor of Maryland and the Honourable Council

The humble Petition of John Brannock of Dorchester County

Humbly Sheweth unto your Excellency

That Whereas your Petitioner has exhibited his Petition of Complaint against Henry Ennals Chief Judge of Dorchester County Court which Complaint stands for Determination before Your Excellency and Counsel, but forasmuch as the Evidences are not here to prove the facts contained in the s^d Petition although Summonses hath issued for the same Your Petitioner humbly prayes that he may have Summonses for the several Evidences to appear at such Time as your Excellency shall think fit, and that the said Summonses may issue to the Coroner of Dorchester County, the Sheriff being of Affinity to the said Ennals that Justice may be done therein as your Petitioner doth pray John Brannock

Advised by this Board that a farther Time be given to the s^d Brannock to make appear the Reasons of his Complaint against the said Henry Ennals, and that the Clerk of this Board issue Summons for all such Evidences as shall be nominated by Either of the Partys

At a Council held in the Council Chamber on Thursday the twenty fourth Day of July in the sixteenth Year of His Lordships Dominion &c Annoq Domini 1730

Present as on 22d Instant Lib. M.

His Excellency the Governor acquaints this Board that He hath nothing of Moment to lay before the Assembly which stands prorogued to the first Tuesday in October next; It is advised that the Assembly be farther prorogued to the third Tuesday in November following, and Ordered that Proclamations issue accordingly; which issued in the following Words

Maryland ss By his Excellency Benedict Leonard Calvert Lieutenant General and Chief Governor in and over the Province of Maryland

A Proclamation

"Whereas the present General Assembly of this Province "stands prorogued to the third Tuesday in October next being p. 37
"the sixth Day of the same Month, and whereas there is no "Business of Moment, which requires their Attendance at that "Time, I have therefore thought fit with the Advice of His "Lordships Council of State further to prorogue the same, And "I do hereby further prorogue the same to the third Tuesday "in November next being the seventeenth Day of the same "Month And to the Intent that all Persons concerned may "have due Notice thereof I do strictly require and Command "the several Sheriffs of this Province to make this my Pro-"clamation publick in their respective Counties in the usual manner as they will answer the Contrary at their Peril Given at Annapolis this Twenty fourth Day of July in the sixteenth Year of His Lordships the Lord Proprietarys Dominion &c Annoq Domini 1730

{ Great Seal }

At a Council held in the Council Chamber on Tuesday the 27th Day of October in the Sixteenth Year of His Lordships the Lord Proprietarys Dominion &c Annoq Domini 1730

Present

His Excellency Benedict Leonard Calvert Governor

The Honble { Charles Calvert Esqr, Col William Holland, Philemon Lloyd Esqr } { Col. M: Tilghman Ward, Benjamin Tasker Esqr, Philip Lee Esqr }

Members of His Lordships Honble Council

His Excellency acquaints this Board that he has nothing of Moment to lay before the Assembly which stands prorogued

Lib. M. to the third Tuesday in November next, and desires the Advice of this Board, to what Time farther to prorogue the same; who are of Opinion that the third Tuesday in March next, being the sixteenth Day of the same Month is the most Convenient Time; to which Time his Excellency is pleased to order that the same be prorogued, and that Proclamations issue accordingly; which issued in the usual Manner.

p. 38 At a Council held at the house of His Excellency the Governor in the City of Annapolis on Thursday the 29th Day of October in the sixteenth year of his Lordships the Lord Proprietarys Dominion Annoq Dni 1730

Present

His Excellency Benedict Leonard Calvert Governor

Col William Holland	Col. M: Tilghman Ward
Philemon Lloyd Esqr	Benjamin Tasker Esqr
Col Richard Tilghman	Philip Lee Esqr

Members of his Lordps honble Council

Ordered that the Petition of Mr John Brannock of Dorchester County preferred to this Board on the fifth day of June last against Henry Ennals & Others Justices of the sd County be dismissed

Upon Representation of Philip Lee Esqr to this Board, that a Bond be taken by him as Naval Officer of Patowmack, from a Certain John Watts Master and Owner of a Ship trading into this Province, for the Payment of Several Dutys; which Dutys the sd Watts, claiming the Benefit of a Resident of this Province, refuses to pay; and upon producing some Depositions taken in Relation to the Residency of the sd Watts in this Province, together with the Opinion of the Attorney General that the sd Watts cannot claim the Benefit of a Resident therein; It is the Opinion of this Board that the said Bond be put in suit

Ordered that the Bond of John Watts be delivered by Philip Lee Esqr to the Attorney General; and it is likewise Ordered that the Attorney General put the same in suit.

At a Council held at the house of His Excellency the Governor in the City of Annapolis on Friday the 19th Day of February in the sixteenth Year of His Lordships the Ld Proprietarys Dominion Annoq Dni 1730

Present Lib. M.

His Excellency Benedict Leonard Calvert Govr

The Honble { Charles Calvert Esqr, Coll. M. Tilghman Ward } Benjamin Tasker Esqr, Philip Lee Esqr

Members of his Ldps honble Council

His Excellency acquaints this Board that he has nothing of Moment to lay before the Assembly which stands prorogued to the third Tuesday in March next; and desires the Advice of this Board, to what Time farther to prorogue the same, who are of Opinion that the third Tuesday in April next being the twenty seventh day of the same Month is the most convenient Time; to which Time his Excellency is pleased to order that the same be prorogued, and that Proclamations issue accordingly, which issued in the usual Manner p. 39

His Excellency acquaints the Board that the Time appointed for the Meeting the Assembly being so very short that in all Probability a Sufficient Number of the Gentlemen of the Council will scarce be able to meet farther to advise the Prorogation thereof; and in Case His Excellency should think it Convenient farther to prorogue the same; he desires the Advice of this Board, when is the most proper Time farther to prorogue the Assembly; who are of Opinion that the second Tuesday in July next being the thirteenth day of the same Month is the most Convenient Time.

11th April 1731

Ordered by His Excellency the Governor that Proclamations issue farther to prorogue the Assembly to the second Tuesday in July next.

At a Council held in the Council Chamber on Tuesday 15th Day of April in the seventeenth year of His Lordship's the Lord Proprietary's Dominion Annoq Domini 1731

Present

His Excellency Benedict Leonard Calvert Governor

The Honble { Charles Calvert Esqr, John Hall Esqr, Philemon Lloyd Esqr } Col Matthew Tilghman Ward, Benjamin Tasker Esqr

Members of His Lordships Honble Council

Lib. M. His Excellency produces to this Board His Lordships the Lord Proprietary's Instructions, which are as follow Viz.

Charles Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltemore &c Orders and Instructions, Powers and Authorities to be Observed and pursued by Our Dearly beloved Brother, the Honourable
p. 40 Benedict Leonard Calvert Esqr Our Lieutenant Governor of Our Province of Maryland

C Baltemore

You will herewith receive my Dissents to the following Acts of Assembly to be published and Entered on Record according to your forms Viz.

Whereas at a Session of Assembly begun and held in Our Province of Maryland the twenty first Day of May, and Ending the sixteenth Day of June in the sixteenth year of Our Dominion over the said Province Annoq Domini 1730, These Acts were passed Viz.

An Act for ascertaining the form of the Oath of Judge or Iustice; Also an Act to ascertain the fees of Practitioners of the Law within this Province, and to prevent Extortions Frauds and Abuses therein

We on due Consideration had and taken of the sd. Acts, have thought fit to dissent unto them; and do hereby declare the aforesaid Acts to be null, void and of no Effect

Given under Our hand and Seal at London this twenty ninth Day of January in the seventeenth year of Our Dominion Annoq Domini 1731 C B

Additional Orders and Instructions Powers and Authorities to be Observed and pursued by Our Beloved Brother Benedict Leonard Calvert Our Lieutenant Governor of Our Province of Maryland

C Baltemore

"You will herewith receive my Answer to the Address of Our Assembly which you are to deliver to them as my Words at their next Meeting

You shall suffer no Law to pass that introduces the Statutes of England in the Gross

And you are not to suffer any Law to pass touching the Practitioners of the Law that is not consonant with some Law of England

You are likewise to publish and enter all these Instructions on Record according to your forms

Given under Our hand and Seal at London this twenty ninth Day of January in the seventeenth year of Our Dominion Annoq Domini 1731 Lib. M.

By His Lordships Command C B
Cecil[s] Calvert

Ordered Proclamations issue publishing the said Dissents, and that the Dissents be delivered to the Clerk of the Secretarys Office to be recorded in the said Office

It is the Opinion of this Board that New Commissions issue to the several County Courts of this Province in the usual Manner as before the making the Act Entituled an Act for ascertaining the form of the Oath of Judge or Justice made at a Session of Assembly begun and held at the City of Annapolis the fifth Day of October Anno Domini 1725, and that the Words in the Oath now to be taken by the several Magistrates be varied from the present form, and that Dedimus issue to qualify the s[d] Magistrates by the Oath of Office heretofore taken before the making the said Act. p. 41

His Excellency having produced to this Board his Majestys Instructions together with a Letter from his Grace the Duke of Newcastle One of the Secretarys of State in Relation to the Treaty of Sevile with the Spaniards, Ordered Proclamations issue publishing the same, and it is likewise Ordered that several of the s[d] Proclamations be printed ; in Order to be affixed in the several Offices of the Naval Officers and Collectors of his Majestys Customs within this Province, that all Persons concerned may have Notice thereof; Proclamations issued in the following Words.

Maryland ss By His Excellency Benedict Leonard Calvert Governor & Comm[r] in Chief in and over the Province of Maryland

A Proclamation

Whereas his most sacred Majesty by Letter under His Royal Sign Manual and by the Letters of His Grace the Duke of Newcastle One of His Majestys Principal Secretarys of State hath graciously been pleased to signify unto me the Treaty concluded at Seville on the ninth Day of November N: S: 1729 between His Majesty and the most Christian King of the One Part, and the King of Spain of the Other ; with His Royal Commands for the Cessation of Hostilities and Restitution of Prizes to the Subjects of Spain in America; and also the King of Spains Cedula for the Cessation of Hostilities and the like Restitution of Prizes on

Lib. M. the Part of his Subjects; and His Majesty having further commanded me to make known to all and singular the Officers and Ministers of this Province, and all Others whom it may concern his Royal Pleasure and Intention thereupon: I have thought fit by and with the Advice of his Lordships Council of State to publish and make known by this my Proclamation, that it is the Will and Pleasure of his most sacred Majesty that all and singular his Subjects do forbear and abstain from all Acts of Hostility against the Subjects of the King of Spain, and that if any Prize or Prizes have been or shall be taken from his Subjects since 11/22 Day of June 1728 full Restitution be made of such Prize or Prizes, or in
p. 42 Default thereof of the just Value of the s^d^ Prizes and their Cargoes at the Time when they were taken and that Reparation be also given according to Justice for any further Damage occasioned by the Detention of such Prizes 'till the Time of their being delivered up excepting any Seizures that may have been or may be made on Account of an illegal Trade carried on contrary to the Laws and Treaties of Peace and Commerce subsisting between the two Crowns And I Do also hereby publish and make known that his Catholick Majesty by his Cedula given at Seville 14th December 1729 Signifyed his Pleasure to his Vice Roys of Peru and New Spain, and Other the Governors and Officers of his Dominions in those Parts, that the Orders for Cessation of Hostilities which he issued on 25th April 1728 be strictly observed by all his Subjects; and that accordingly all Prizes taken by them from the English Subjects in America from the Time of the Arrival of his said Orders at Carthagena mentioned in the s^d^ Kings Cedulas to be on 11/22 of June 1728 be punctually restored, or in default thereof the just Value of the said Prizes and their Cargoes at the Time when they were taken, and that Reparation according to Justice be also given for any further Damage occasioned by the Detention thereof 'till the time of their being delivered up, excepting Seizures made on Account of illegal Trade in the Places and Limits prohibited by the Laws and the Treaties of Peace and Commerce: And whereas notwithstanding the Peace and Friendship subsisting between the Two Nations and contrary to the Orders of the King of Spain the Pyratical Practices of Spaniards and Others nevertheless continuing to the Great damage of His Majestys Subjects and as all Vessels acting in such manner in Time of Peace are to be reputed no other than Pyrates whether they cruize at Sea without any Commission, or having Commissions do nevertheless spoil and plunder the Ships and Goods of his Majestys Subjects contrary to the Treaties; His Majesty

having graciously determined to use all possible means that Lib. M.
may most effectually put a Stop to such Violences for the
future, and protect his Subjects in their lawful Trade and
Navigation has signifyed his Royal Pleasure to me thereupon;
and pursuant to his Royal Commands, that I should make it
known in the several Ports of this Government to all his
Loving Subjects that they may know where and in what man-
ner to apply for Redress on such Occasions; I do hereby
publish and make known that it his most Sacred Majestys p. 43
Royal Pleasure, that when any of His Subjects following
their lawful Trade in the West Indies or elsewhere in America
shall be unjustly plundered or despoiled of their Ships or
Goods by any Persons of what Nation soever, the said Suffer-
ers do by the first Opportunity give in the most authentick
Proofs of the damages and Losses they have sustained upon
Oath before the Judge of the Vice Admiralty Court, which
Judge after due Examination of the matter is to deliver to the
said Sufferers a Declaratory Sentence under his hand and the
Seal of the Court setting forth the particular Circumstances,
when, where, and by whom committed, from what Port the
Vessel or Vessels that did the damage was or were fitted out;
and to what Port the Ship or Goods were carried, and the
Value of the same, and that the whole has been duely proved
upon Oath before him, which Sentence or Duplicate thereof
is to be lodged in the hands of the Governor for the time
being that it may be delivered to the Commander in Chief of
his Majestys Ships in the West Indies or some Captain of his
Majestys Ships who is thereupon to go to the Port where such
Ship or Goods of his Majestys Subjects shall have been car-
ried in, or from whence such Ship or Ships or Vessels was or
were fitted out, in order to procure the immediate Releasment
of such of his Majestys Subjects as may have been taken
together with full Restitution of the Ships or Goods so plun-
dered and taken or the Value thereof, or else the delivering
up the persons or Ships that committed the fact, or to make
Reprisals in such manner as is directed by the Orders in that
behalf And to the Intent that all Persons concerned may have
due Notice thereof I Do strictly require and Command the
sev[l] Sheriffs of this Province to make this my Proclamation
publick in their respective Counties in the usual manner as
they will answer the Contrary at their Peril Given at An-
napolis this fifteenth Day of April in the seventeenth year of
His Lordships the Lord Proprietarys Dominion &c Annoq
Domini 1731 J Ross Cl Conc.

God save the King & the Lord Proprietary

[Great Seal]

Lib. M. Ordered that the Secretary of State his Letter dated 25th Septr 1730, be recorded in the Office of the Court of Vice Admiralty, amongst the Proceedings of the said Court.

His Excellency acquaints this Board that upon Application of John Young, he drew an Order upon Col Samuel Young payable to the sd John for his Years Salary for cleaning the Arms &c. Ending 11th January last.

p. 44 27th September 1731

Ordered by his Excellency the Governor that the General Assembly which stands prorogued to the 30th Instant, be farther prorogued to the second Tuesday in November next, being 12th Day of the same Month; Proclamations issued accordingly

30th October 1731

Ordered by his Excellency the Governor that the General Assembly which stands prorogued to the 12th Day of Novemr next, be farther prorogued to the first Tuesday in January next, being 4th Day of the same Month; Proclamations issued accordingly

To His Excellency Benedict Leonard Calvert Esqr Governor of Maryland

The Humble Petition of the Church Wardens Vestry and Others the Parishioners of St Stephens Parish in Cecil County

Most humbly Sheweth

That your Petitioners and the whole Parishioners have for a long time laboured under the Disadvantage of having had Mr John Urmston for their Parish Minister, a Man whose Life and Conversation has been too shameful to mention to your Excellency, and such as would have rendered a Layman of any Degree whatsoever ignominious; that for about these two months past the sd Urmston has not exercised any part of his Ministerial Function, so that the Parish is altogether destitute of a Minister, and as We imagine Vacant: We therefore most humbly hope yr Excellency will take Our Condition into your Consideration and be pleased to induct another Minister

It is with the Greatest Submission your Petrs beg Leave humbly to represent to your Excellency that Mr William Beckett a Clergyman of the Church of England and a Gentleman of very good Character would accept of the sd Parish would

your Excellency think fit to grant him an Induction, which Lib. M.
would lay your Petition[rs] under the Greatest Obligations of Gratitude, Ever to pray for your long Life, Health and Continuance in your present Station.

Signed by the Church Wardens, Vestrymen, & sev[l] of the Parishioners

Tenore Presentium Nos Johannes Permissione Divina Londin Episcopus notum facimus Universis; quod Die Dominico vicesimo Tertio Scilicet Die Mensis Septem[rs] Anno Domini Millimo Septingemo decimo sexto in Capella infra Palatium nrum de Fulham in Com Mddxiæ Nos præfatus Johannes Episcopus antedictus Sacros Ordines Dei Omni- P. 45
potentis Præsidio celebrantes generalis dilectum Nobis in Christo Hugonem Iones in Artibus Magistrum e Coll Jesu Oxon de Vita sua Laudabilem ac Morum et Virtutum suarum Donis nobis multipliciter commendatum, ac in bonaru Literarum Studio, et scient ia eruditum, ac sufficienter intitulatum, et per Examinatorem nostrum examinatum et approbatum in sacrum Presbyteratûs Ordinem juxta morem et Ritum Ecclesiæ Anglicanæ in hac Parte salubriter editos et provisas admisimus et promovimus Ipsumq in Presbyterum rite et Canonice ordinavimus tunc et ibidem In cujus Rei Testimonium Sigillum nrum Episcopale præsentibus apponi fecimus Datis Die et Anno prædictis nræq Translationis Anno tertio

Joh { Loco Sigilli } London

Edmundus Permissione Divina Londinensis Episcopus Dilecto nobis in Christo Hugoni Jones Clerico Salutem et Gratiam; ad peragendum Officium Ministeriale in Provincia Virginiæ in Americâ in Precibus Communibus alijsq Ministerijs Ecclesiasticis ad Officium Ministeriale pertinentibus juxta formam descriptam in Libro publicarū Precum Authoritate Parliamenti hujus inclyti Regni Magnæ Britanniæ in Ea parte edit et provis et Canones e Constitutiones in Ea parte legitime stabilitas et publicatas, et non aliter neq Alio modo: Tibi cujus Fidelitati, Morum Integritati, Literarum Scientiæ sanæ Doctrinæ et Diligentiæ plurimum Confidimus præstito prius per te coram nobis Juramento, tam de agnoscendo regiam supremam Majestatem juxta Vim formam et Effectum Statuti Parliamenti dicti Regni Magnæ Britanniæ in Ea parte edit et provis quam de Canonica Obedientia nobis et Successoribus nris in omnibus licitis et honestis per te præstanda et exhibenda subscriptisq per te præstanda et exhibenda subscriptisq per te tribus illis Articulis descriptis in tricesimo Sexto Capitulo Libri Constitutionum sive Canonum Ecclesias-

Lib. M. ticorum Anno Dom 1603 Regia Authoritate editorum et promulgatorum Licentiam et Facultatem nras concedimus in Domino per Præsentes; ad nrum beneplacitum duntaxat duraturas: In cujus Rei testimonium Sigillum nrum (quo in hac parte utimur) præsentibus apponi fecimus Dat vicesimo primo Die Mensis Augusti Anno Dni 1724 Nræq Translationis secundo.

Edm: { Loco Sigilli } London

Maryland ss

Benedict Leonard Calvert Governor and Comm^r in Chief in and over the Province of Maryland

To Hugh Jones sendeth Greeting I hereby give to you the Church of the Parish of St Stephen in Cecil County now
p. 46 vacant as by the Representation of the Churchwardens and Vestry of the s^d Parish I am given to understand, and to my Gift by full right belonging; And I do ordain and appoint and constitute you the s^d Hugh Jones Minister of the same Church and Parish, Provided you have performed or do perform all and singular the Acts and Services requisite for your Qualification as a Minister of the Church of England and of the s^d Parish pursuant to the Canons and Constitutions Ecclesiastical of the s^d Church of England and the Laws of England and this Province To have hold and enjoy the s^d Church to you the s^d Hugh Jones so long as you shall act and conform your self as a Minister of the Church of England according to the Canons and Constitutions of the s^d Church of England and the Laws of England and of this Province together with all and singular the Rights Profits and Advantages whatsoever by the Laws and Customs of this Province appertaining to a Minister of the s^d Parish: And I Do hereby require the Church Wardens Vestrymen and all others the Parishioners of the s^d Parish to receive & acknowledge and to aid and assist you the s^d Hugh Jones in all Matters relating to the discharge of your Function as the Minister of the s^d Parish and to all and singular the Rights and Profits to you theretofore appertaining Given at Annapolis this 2^d Day of October in the 17th Year of His Lordships the Lord Proprietarys Dominion &c Annoq Domini 1731

B L Calvert

Article 1st That the Kings Majesty under God is the Only supreme Govr of the Realm of Great Britain and of all Other His Highness Dominions & Countries as well in all Spiritual or Ecclesiastical Things or Causes as Temporal, and that no

Foreign Prince Person Prelate State or Potentate hath or ought to have any Iurisdiction power superiority Preeminence, or Authority Ecclesiastical or Spiritual within his Maj^{tys} s^{d} Realms Dominions & Countries Lib. M.

2^{d} That the Book of Common Prayer and of Ordering of Bishops Priests and Deacons, containeth in it nothing contrary to the Word of God, and that it may lawfully be used, and that I myself will use the form in the s^{d} Book prescribed in publick Prayer & Administrat^{n} of the Sacraments and none Other

3^{d} That I allow the Book of Articles of Religion agreed upon by the Arch Bishops and Bishops of both Provinces and the whole Clergy in the Convocation holden at London in the Year of Our Lord God 1562 And that I acknowledge all and Every the Articles therein contained being in Number Nine and Thirty besides the Ratification to be agreeable to the Word of God

I Hugh Jones do willingly and ex animo subscribe to these three Articles above mentioned & to all things that are contained in them

H: Jones

I Hugh Jones will conform to the Liturgy of the Church of England as it is now by Law established

H: Jones

4th Octo^{r} 1731 p. 47

Came before me the Subscribers the Reverend Mr Hugh Jones and took the Oaths appointed to be taken by a Statute made in the first year of the Reign of King William & Queen Mary and the Oaths of Simony and Residence, and subscribed the Oaths of Abjuration and Test, and made the foregoing Subscriptions

Bend^{t} Leon^{d} Calvert

Maryland ss

Be it Remembered that on the seventh day of December in the Fifth Year of the Reign of Our Sovereign Lord George the second by the Grace of God of Great Britain France and Ireland King Defender of the faith &c and in the seventeenth year of the Dominion of the Right Honourable Charles Lord Baron of Baltemore Absolute Lord and Proprietary of the Provinces of Maryland and Avalon &c Annoq Domini 1731 At the House of the Honourable Benedict Leonard Calvert

Lib. M. Esqr in the City of Annapolis appeared the Honourable Samuel Ogle Esqr in Presence of the Honble Charles Calvert Esqr Philemon Lloyd Esqr Col Richard Tilghman Col Matthew Tilghman Ward John Rousby Esqr Benjamin Tasker Esqr and Philip Lee Esqr Members of His Lordships Council and produced His said Lordships Commission constituting and appointing him the said Samuel Ogle Lieutenant General and Chief Governor of the Provinces of Maryland and Avalon in America, & also Commander in Chief both by Sea and Land of all the Forces raised or to be raised in the s^d Provinces; which being published and read, is ordered to be recorded in the Secretary's Office

His Excellency the Governor took the several Oaths appointed to be taken by Act of Assembly of this Province as also the Oath following

I Samuel Ogle do swear that I will be true and faithful to the Right Honourable Charles Lord Baron of Baltimore the true and absolute Lord and Proprietary of this Province of
p. 48 Maryland and his Heirs and him and them his & their Rights Royall Jurisdictions and Signiorys all and every of them into and Over this his Province of Maryland the Islands & Territorys thereto belonging I will at all times defend and Maintain to the Utmost of my power and will never Accept of any place Office or Imployment within the said Province any ways concerning or relating to the Government thereof from any person or Anthority but by from or under a lawfull Authority Derived or to be derived from his said Lordship his Heires or Assignes, I will faithfully serve his said Lordship as his Governour or Commander in Chief of the said Province and in all other offices committed to my Charge by his said Lordships Commission or Commissions to me and will willingly yeild up the said Commission or Commissions again and all Offices powers and Authoritys granted or to be granted by them or any of them into the hands of his said Lordship and his heires and Assignes or to such person or persons as he or they shall Appoint whensoever he or they shall Appoint me so to do and shall Signifie the same unto me. And will not presume to put in Execution or Attempt to Execute any Office Power or Authority Granted unto me by any of the said Commissions after that his said Lordship or his heires or Assignes Lords and Proprietarys of the said Province shall repeal them or any of them respectively and that the said Repeals be published within this Province. I will do equall Right and Justice to the Poor and to the Rich within this Province to the best of my Skill Judgment and Power According to the Laws and Ordinances of the said Province and in default thereof Ac-

cording to my Conscience and best Discretion and the power Lib. M.
granted or to be granted unto me by his said Lordships Commission or Commissions I will not for fear favour or Affection or any other cause hinder or delay Justice to any but will truly Execute the said Office and Offices respectively according to his said Lordships Commission to me in that behalfe and to the true Intent and meaning thereof and not otherwise to the best of my understanding and Judgment I will not know of any Attempt against his said Lordships person or his right or Dominion into or over the said Province or the People therein but I will prevent resist or oppose it to the utmost of my power and make the same known with all Convenient Speed to his said Lordship and I will in all things from time to time as occasion shall require faithfully Counsel and advise his said Lordship According to my heart & Conscience.

So help me God

His Excellency the Governor took also the following Oath

I Samuel Ogle Governor of His Lordships Province of Maryland do Solemnly swear that I will do my Utmost that p. 49
every the Causes matters and things contained in the severall following Acts of Parliament of His Majesties Kingdom of Great Brittain (Viz[t]) An Act Entituled an Act for the Encouraging and Encreaseing of the Shiping and Navigation made in the Twelfth year of the Reign of King Charles the Second, The Act for preventing frauds and Regulating abuses in his Majesties Customs made in the ffourteenth year of the s[d] Kings Reign. The Act for the Encouragement of Trade made in the ffifteenth year of the said Kings Reign. The Act to prevent the planting of Tobacco in England and for Regulating the Plantation Trade made in the Twenty Second and Twenty Third Years of the said Kings Reign and Continued by a Clause in the Act against Clandestine Runing of Goods and for the more Effectuall preventing of ffrauds Relating to the Customs made in the fifth Year of the Reign of our late Royall ffather; The Act for the Encouragement of the Greenland and Eastland Trades and for the better securing the Plantation Trade made in the Twenty fifth year of the said King Charles Reign; The Act for preventing frauds and Regulating abuses in the Plantation Trade in the Seventh and Eighth years of the Reign of King William the Third The Act for Incouraging the Importation of Naval Stores from her Majesties Plantations in America made in the Third and fourth Years of the Reign of her late Majestie Queen Anne so farr as it is continued & Explained by an Act giving further Encouragement for the Importation of Naval

Lib. M. Stores &c made in the Eighth Year of his said late Majesties Reign. The Act to permit the Exportation of Irish Linnen Cloth to the Plantations &c made alsoe in the Third and fourth Years of the same Queens Reign and Continued and Explained by an Act past in the Third Year of his said late Majesties Reign for continuing the Liberty of Exporting Irish Linnen Cloth to the Brittish Plantations in America Duty free &c The Act for an Union of the Two Kingdoms of England and Scotland made in the fifth Year of the same Queens Reign in which are certain Articles relating to the Plantation Trade more particularly the fourth fifth & Sixth The Act for Ascertaining the Rates of fforeign Coins in her Majesties Plantations in America made in the Sixth Year of the same Queens Reign. The Act for the Encouragement of the Trade to America pass'd in the same year of the said Queens Reign; The Act for Continuing several Impositions Additional Im-
p. 50 positions and Duties upon Goods Imported &c And to limit a time for prosecution upon certain Bonds given by Merchants (called in the Act Plantation Bonds) made in the Eighth Year of the same Queens Reigne; The Act against Clandestine Runing of uncustomed Goods and for the more Effectuall preventing of frauds relating to the Customs made in the fifth Year of his said late Majesties Reign, And the Act Giving further Encouragement for the Importation of Naval Stores for other purposes therein mentioned made in the Eighth Year of his said late Majesties Reign; And alsoe the Act for the more Effectuall Suppressing of Piracy made in the same Year of his late Majesties Reign now in force relating to this Province And in all other Act of Parliament now in force or that hereafter shall be made relating to our Colonies or Plantations shall be punctually and bona fide observed According to the true Intent and meaning of the same Acts of Parliament.

So help me God.

The Honourable Benedict Leonard Calvert Esq delivers to His Excellency the Great Seal of this Province, and thereupon his Excellency the Governor takes the Oath of Chancellor in the following Words

I Samuel Ogle do swear that as Chancellor and Keeper of the Great Seal of this Province I will well and truly serve His Lordship the Right Honourable the Lord Proprietary of this Province and do equal Right to all his Majesty's Subjects to the best of my Understanding Skill & Knowledge I will not debar or hinder the Prosecution of Justice nor take any Gift Bribe Reward or Fee for the delaying thereof but will

behave myself justly and truly and hear act judge Decree and determine all matters that shall regularly come before me for Determination according to Equity and good Conscience according to the Duty of my said Office and according to the best of my Knowledge during my Continuance in the s^d^ Office, or until I shall be by lawfull Authority discharged therefrom Lib. M.

So help me God.

All which said Oaths were administred to his Excellency by the Members of his Lordships honourable Council now present.

After taking the several Oaths aforesaid His Excellency subscribed the Oath of Abjuration and Test according to the Directions of the Act of Assembly af^d^ p. 251

Advised, Resolved and Ordered that a Proclamation be forthwith issued for the Publication of his Excellency the Governors Commission, and directing all Officers Civil and Military to continue in the Execution and discharge of their several Offices until his Excellencys Pleasure shall be further known and signifyed therein, which Proclamation being prepared is as follows Viz.

By His Excellency Samuel Ogle Esqr Governor & Commander in Chief in and over the Province of Maryland

A Proclamation

Whereas Charles Absolute Lord and Proprietary of the Provinces of Maryland & Avalon Lord Baron of Baltemore by his Commission under his Great Seal at Arms bearing Date at London the sixteenth Day of September in the fifth Year of the Reign of Our Sovereign Lord King George the Second Annoq Domini 1731 has with the Approbation of his most sacred Majesty been pleased to constitute me the said Samuel Ogle Governor and Commander in Chief in and over this his Lordships Province of Maryland which said Commission was this Day published in the Presence and hearing of the Members of his Ldps Honourable Council and Others the Kings Subjects his Lordships Tenants in this Province at the City of Annapolis I have therefore by and with the Advice of his Lordships Council of State thought fit to issue this my Proclamation notifying the same to all Sheriffs Magistrates and Others his Lordships Officers in this Province And I Do further Will and

Lib. M. direct that all Officers both Civil and Military execute and discharge the several Trusts and Duties in them reposed and enjoyned by the present respective Commissions to them granted until such time as my further Pleasure and Directions shall be signifyed therein Given at the City of Annapolis this seventh Day of December in the fifth Year of the Reign of Our Sovereign Lord George the second and in the seventeenth year of His Lordships Dominion &c Annoq Domini 1731

{ Great Seal } J. Ross Cl. Conc.

Ordered that Proclamations issue to dissolve this present General Assembly which stands prorogued to the fourth day of January next; and it is likewise Ordered that Writts of Election issue to call a New Assembly returnable the third Tuesday of February next; and in Case there Should be no Occasion for the Assembly then to meet and proceed upon Business, Ordered that the Clerk of this Board write Lrēs to the Sheriffs of the several Counties of this Province, who are to inform the Delegates of their s^d^ Counties that their Attendance is not required at the Return Day mentioned in the Writts of Election.

APPENDIX

PAPERS FROM THE

BRIDGEWATER MSS.

AND

PUBLIC RECORD OFFICE.

PIRATES AND ILLEGAL TRADING,
LETTERS OF WILLIAM PENN,
VESSELS BUILT IN MARYLAND,
ETC.

1696–1699

LETTER OF

GOV. BENEDICT LEONARD CALVERT

TO THE PROPRIETARY

1729

[Board of Trade to Justices]

B M.
Bdle. 55

To their Excellencies the Lords Juctices

May it please Your Excellencies

In Obedience to Your Excellencies Order of the 23th July last annexed to an Extract of a Presentment from the Commissioners of the Customs, We humbly Represent to Your Excellencies that in Our Opinion the constituting Atturneys-General in each respective Plantation as moved for by the Commissioners of the Customes, will be conducing to the ends by them proposed, And that therefore in Order to the putting of that Designe in Execution, we have advised with Mr Edward Randolph Surveyor Generall of His Majesties Customes in the Continent of America, and are by him informed that William Randolph, the present Atturney Generall in Virginia, is wholly unacquainted with the Laws and practise of the Court in England; That George Plater the present Atturney Generall in Maryland is a favourer of Illegal Trade; That David Lloyd the present Atturney General in Pensilvania has declared that he served for the Province only, and thereupon refused to put several forfeited Bonds in Suit; That Anthony Checkly, the present Atturney General of the Masachusetts Bay is not only ignorant of the Laws of England, but has himself been an illegal Trader; For which Reasons we are also humbly of Opinion That the forenamed persons are not fit to be His Majestys Atturneys Generall, however fitt they may be judged by the Proprietors of any of those Provinces for the places that they have power to dispose of and that it may be expedient for his Majestys service that the Persons following (whom the said Mr Edward Randolph represents as duely qualified) may be constituted His Majestys Atturnys General for the respective Colonies hereafter mentioned, viz:

For Virginia, Maryland, Pensilvania (as also for North Carolina and West Jersey, where there is at present no Atturney General) Edward Chilton.

For the Massachusetts Bay (as also for Rhode Island and New Hampshire where there is at present none) Thomas Newton.

For New Yorke (as also for East Jersey and Connecticut where there is at present none) James Graham.

These being the only alterations of this kinde for which we have any grounds suggested to us, we omit to mention those

B. M. Bdle. 55. of His Majestys Colonies, wherein there are Atturnys General alread settled, and humbly Submitt our Opinion upon these to Your Excellencies consideration.

Signed. J. Bridgewater.
Ph. Meadows.
John Pollexfen.
John Looke.
Abr. Hill.

Whitehall. September 7th
1696

B. M. Vol. 25.

[F. Jones to Gov. Nicholson]

Philadelpa 20th 8bris 1696

May it please yr Excy

Amongst the number of those in this Province who are oblidged to yr Excy for the favour & Justice for endeavouring to preserve our ships & goods from Privatiers & Pyrates particularly from Capt Day and his Crew I am sure noe man hath more reason to acknowledg the benefitt recd or was more Exposed to the Danger then my Self &ca haveing a Ship fiting out here to load in Maryland wth Toba home wth the Fleet Part of whose men run away & others that were designed to ship themselves enticed on board the Privatier wch Privatier has Sundrey times endeavred to entice those wee haue Left in the same manner by wch meanes wee are not only forced to pay them some 2 & 3 or 4 months wages beforehand but Contract wth them for such Extravigent wages as never was given in that place tht Privateire incouraging them wth 3000li share to a man at Leaste in 3 or 4 months time wch by one meanes & other has damnified us at Least 300li in one Shipp besides the feare of Looseing Shipp & all the Particulars of the whole refer you to the deposicion of sundry people wch shall send you by my Good freind Coll. Quary in that hight of my vexation & Disappointmt I applyed myself to Governr Markham & told him that by a Lettr I had seen from Carolina Day was dishonest & ought to have clearances examined for had embezeled his owners Suggar &ca and for a Cloak to his Roguery Entered his Brigantine for Bristoll Loaden wth Suggar from Carolina where as soone as he had so done fell down to Rebellion road out of Command & there sells his whole Cargoe & setts up for a Red Sea Voyage & came here to Victuall & Equip himself whereby I thought him seizeable and wth all that I had susteined much damage already by its being tollerated & feared much greater, where-

fore I prayed his Hon^{r} to take some Care to prevent farther Damage, but he was pleased to tell me Day was a Vessell of force & well man'd & for want of Men & Armes to suppress them there was noe help for they would doe what they pleased, I told his Hon^{r} I thought such fellows ought not to haue a Comicion wthout security that if any one was Damnifyed they might come on the Security. But in the Hight of these distracions your Ex^{cy} was pleased so farr to Consid^{r} the King's interest & that of his Subjects to send a force of men to seize Capt Day & his Crew of Rogues which was Effectually done, but then this Governm^{t} that could not protect themselves from fifty Rogues could presently raise men enough to resque those fellows from the Kings forces wch were of a greater number, nay, wch was more when the Commander of the Kings forces came to the Govern^{r} he threatned to comitt him for seizing those Rogues by vertue of his Commission & told the Livet^{t} that they were honest men & that they were not Seizeable, when I was informed of this I prayed the Livf^{tt} to goe wth me to the Govern^{r} and I would Justify to his face the matter Contained in your Ex^{cys} Comand what I haue here set forth wch accordingly I did as the Lievet^{t} can fully inform your Ex^{cy} Upon wch he was pleased to treat the Liev^{tt} more civilly and resolved to take new measures by Sommoning his Councill but noe care taken to secure the men for his Ma^{tes} Service There has been measures vsed to Possess the people wth prejudice & th^{t} you have acted illegally but the men of Sence of all sorts do think your Ex^{cy} haue done the King & this Country good service Especially all men of Trade I am sure I will give such Acc^{t} of the matter to my Imployers, as will oblidge them to Acknowledg your Ex^{cys} favour my worthy freind Coll. Quary will bring all the deposicions relating to this affair to your Ex^{cy} to whom I wholy reffer your Ex^{cy} knowing him to be very Zealous for your service So beging pardon for this trouble must beg Leave to assure your Ex^{cy} that I am in all Sincerity yor Excell

most Obed^{t} humble Servt

Fra: Jones

B. M. Vol. 25

True Copy
[signed] Fr. Nicholson.

[F. Jones to Gov. Nicholson]

the 21, 8^{ber} 1696.

May it please your Ex^{cy}

Since the Inclosed I haue understood that while his Hon^{r} the Govr was considering how to mannage affaires wth the Live^{tt} here in Towne wch was prolonged a day one of the

B. M. Vol. 25. Privateers that came up wth the Lifft^t^ immediatly uppon the Govern^rs^ first answer th^t^ the fellows were honest men the said Privateer rid away post hast to Newcastle whereby I suppose & doubt that before the Lifft^t^ can come time enough there the Privatire will be gon away clear of Newcastle but their is noe News there yet according to the Event shall give y^r^ Ex^cy^ particular Information beging y^r^ Ex^cys^ pardon crave Leave to Remaine in all sincerrity Y^r^ Ex^cys^ most

Obleg^d^ faithfull serv^t^

True Copy Fra: Jones.

[signed:] Fra: Nicholson.

[Depositions of John Hartekin and others.]

The Deposition of Jno Hartekin taken on oath before John Farmer Esqr one of his Maj^tyes^ Justices of the Peace for the Co^ty^ of Phyladelphia this 29th 8^br^ 1696.

Who on his Corporall Oath declareth & saith that being enticed out of his Mr Joseph Woods service on board the Brigantine Josiah Capt. Day comand^r^ (a Pyrate or Privateer) was upon his coming on board kindly entertan'd by them & promised th^t^ if his s^d^ M^r^ should come on board them to fetch him by a Justices Warr^t^ from them as his Servt that he should not have him for that s^d^ Day was greater than a Justice of the Peace because he had the Govern^rs^ Commission & that noe Warr^t^ but the Govern^rs^ Warr^t^ should prevaile wth him & that after hee the s^d^ Hartekin had been on board amongst the s^d^ Privateers or Pyrates as one of their own Company two or three days he heard some of s^d^ Privateers Complain that their Brigantine was not near big enough to accomodate soe many men as they had by carrying Provisions & lodge the men answer was made by the Officers desiring them to be content for th^t^ if they would bee Patient in a fortnight or three weekes time they would have a good ship under foot & burne the Brigantine. John Hartakin.

Taken & sworne before me
the 29th 8^br^ 1696
John Farmer.

A true coppy.
[signed:] Fr: Nicholson.

The Deposition of James White Carpenter of the shipp Sam^ll^ & John Capt. Phillips Command^r^ taken upon Oath before John Farmer Esqr one of his Maj^ties^ Justices of the Peace for the County of Philadelphia this 29th 8^br^ 1696.

John Farmer.

Who on his Corporall Oath declareth & saith th^t after his being shipped on board the Shipp Sam^ll & John Capt. Phillips command^r for London one of the Officers of the Brigantine Josiah Capt. Day Command^r (a Pyrate or Privateer) did several times come to him enticeing him to leave his service on board s^d ship & goe wth them in their Brigantine a privatering giveing him great encouragem^t of vast Gaine in little time wch perswasions soe much prevailed wth him that if he had his Cloaths clear wth him he had gone with them & left his service on board the s^d shipp. James White. B. M. Vol. 25.

Taken & sworne before me
the 29th 8^br 1696
John Farmer.

A true Coppy
[signed:] Fr: Nicholson.

The Deposition of Geo. Bliss & Robt Pullman belonging to the shipp Sam^ll & John Capt Phillips command^r taken upon oath before Jno Farmer Esqr one of his Maj^tyes Justices of the Peace for the Co^ty of Phyladelphia the 29th 8^br 1696.

Who on their corporall oath saith th^t they were in Company of one of the Privaters or Pyrates belonging to the Brigantine Josiah Capt Day Command^r which Privateer perswading & enticeing th^t s^d Bliss to leave the ship Sam^ll & Jno af^d & goe wth them privateering & were assur'd by him th^t they expected att least 2000^li share a man in little time for he said th^t their Capt. & them did resolve to spare none but the Eng^sh but take the 1st Vessell they met th^t were not man'd wth Eng^sh men & further saith not George Bliss
Robert Pullman

Taken & sworne before me
the 29th 8^br 1696.
John Farmer.

A true Coppy.
[signed:] Fr: Nicholson.

[F. Jones to Gov. Nicholson]

Philad. the 9th Novr 1696.

May it please yor Ex^ell

According to my last to you I have troubled my good friend Coll Quary wth what deposicons was matereall to prove what yor Ex^cy was Informed of the Pyrat a Privatire Day who as I suspected at Livef^tt Youngs goeing hence was of a suddaine dispatched from N. Castle while the s^d Liev^t waited the Gov-

B M. Vol. 25. ern[rs] pleasure at Philadelphia I understand the Privatier is still at Bomboe Nooke where as the report is they Plunder the Inhabitants hogs &[ca] for Provisions if it possible for me to serve your Ex[lcy] farther in that or other affaire here please to signify it by my good fr[d] C. Q. and your Ex[cys] commands shall gratefully be Observed by your Excell. most faithfull

and Obedient Serv[t]

Fr. Jones.

True Copy

[signed] Fr: Nicholson.

[Depositions of Hemsley and Taylor]

The Deposition of Charles Hemsley of Talbott Co[ty] aged 31 years or thereabouts

This Depon[t] saith

That Cap[t] Peter Oldson Command[r] of the Ship Richard & Sarah of London having six of his seamen run away from him did upon his application to the hon[ble] Coll. Geo. Robotham one of his Maj[ty] hon[ble] Council of this Province obtain his speciall Warr[t] for the looking after & apprehending the s[d] men That this Depon[t] was employed by his Hon[r] in behalf of Cap[t] Oldson the M[r] for to looke after the s[d] men wth directions to follow them as far as Phyladelphia if he could not find them before & accordingly had delivered to him by the s[d] Coll. Robotham the afforementioned warr[t] together wth Lett[rs] of Recommendations to Gov[r] Markham & some other Magistrates of that Province for their aid & assistance.

That he accordingly went to Phyladelphia & applied himself to Gov[r] Markham for his hon[rs] warr[t] but received for answer that he might have his warr[t] to apprehend the s[d] seamen but it would be to little purpose unless he could lay felony to their charge w[ch] this Depon[t] said he could not doe however he had a warr[t] but could not find them in the Town & this Depon[t] upon his oath doth further say th[t] the first night he came to Phyladelphia he saw in the same house where he lodged four of the seamen belonging to Captain Daniell Command[r] of his Maj[tyes] hired Ship the Prince of Orange as he was told by the people of the house & other persons thereabouts & gave notice of them accordingly to Gov[r] Markham who said he would secure them because they were run away from the King but whether he did or not this Depon[t] knows not for understanding that the men he was employed to looke after were in the country he departed thence & applied himself to three of the Magistrates living in the country for their aid & assistance who made answer to this Depon[t] that he might

have a warr^{t} to bring the s^{d} seamen before them but that neither the Govern^{r} nor they could nor would secure them for him unless he would lay fellony to their charge saying they were true borne subjects of Engl^{d} & th^{t} they only loose their wages & therefore would rather encourage them than rebuke them adding that they wanted men to mann their ships & cared not if all the men in Maryland would leave their ships they would be welcome to them B.M. Vol. 25.

Cha. Hemsley.

Charles Hemsley made oath
in open court that what is
herein contained is true
Signed p. Ord^{r} 5 Dec. 1696
H. Wriothesley clk.

Came Peter Oldson the day & yeare aforesaid & made oath that he did employ the s^{d} Charles Hemsley to goe after the said seamen & that he did not bring them wth him.
Jur. in Cur. die supra. H. Wriothesley clk.

And this Depon^{t} further saith th^{t} the Justices to whome applicacion was made for the s^{d} Peter Oldsons men was Cornelias Empson & Adam Peterson & two other Justices whom this Depon^{t} knows not their names but they are Justices of the County & live in New castle Co^{ty}

Jur. in Cur. 8 die Dec. 1696.
H. Wriothesley clk.

A true coppy
[signed:] Fr. Nicholson.

The Deposition of Jno Taylor of Dorchester Co^{ty} in the Province of Maryland gent. aged thirly four yeares or there abouts

This Depon^{t} saith

That about the beginning of Octob^{r} last past being at New castle within the Province of Pensilvania at one George Lambs house he hapned into comp^{y} there wth sever^{ll} of Capt. Dayes crewe belonging to the Privateer Vessell rideing before th^{t} Town three whereof were s^{d} to be officers vizt two Quart^{r} m^{rs} & a Gunner & in discourse told them that if his wife would lead his horse back he did not care if he went with them understanding by their discourse th^{t} they were bound to the red sea who did voluntarily shew to this Depon^{t} their Articles wch were not then signed but told him that they would be signed the next morning as soon their capt. came to Towne who was then expected part of the Articles (according to the

B. M. Vol. 25. best of his remembrance) were th^t if it so hap'ned that if they got a better ship & quitted the Brigantine th^t then they should allow such a proportion of their gettings in satisfaction of the s^d Brigantine th^t he th^t stole to the value of a piece of 8 from another should be put upon a maroon'd Island that he that was wounded in any engagem^t should have such an overplus share of slaves if they took any wth sever^ll more such like articles wch this Depon^t cannot remember.

And this Depon^t further saith th^t he heard there were sever^ll serv^ts belonging to that Province wch they imagin'd to be entertain'd & harboured by the s^d Privateer & was told by one of the Burgesses of Newcastle Co^ty how th^t Maj^r Danielson disarmed all the men th^t were sent to take the s^d Privateer th^t he heard there was some of the Inhabitants of Pensilvania th^t fitted out some men wth necessaries to goe in the s^d Privateer for wch they were to make a considerable satisfaccion out of what prises they tooke & further saith not

John Taylor

Jurat. in Cur. 12th x^br 1696.
Hen. Wriothesly Clk of Prov^ll Co^rt

A true coppy
[signed:] Fr. Nicholson.

[Extract from Quarry's letter.]

The latter p^t of Col. Quarry's paper:

I could give many more Instances of the Irregular trade of th^t place, but for brevity sake doe forbear, however I cannot omit two remarkable passages about 10 or 12 moneths ago. There came to Philadelphia a vessel directly from Denmark, loaden with wine, Copper vessels, and several other European goods. There she lay till all the goods were unloaden and the vessel unrigged, and then the Govern^r ordered the Collect^r to seize her, which accordingly was done, and the vessel condemned, and sold again to the Merch^t for a very inconsiderable summe. They immediately rigged her again and sent her away. This business was so very ill managed, th^t it opened peoples mouths and made th^m talk very hardly of the Govern^r

Another Instance is of a Briganteen now in th^t Harbour. She came from New York to loade Tobacco, and took in all most all her loading without giving any bond or security. This was a thing so notorious th^t it was talked of by some, who they feared would give yor Ex^cy an Account of it (which is the only thing th^t keeps th^m in some Awe) upon which the Govern^r sent the Collect^r to seize her, which was accordingly

done, and preparacon made for the Tryal, but in few days the Govern^{r} orders the Discharge of the Briganteen. By this yor Ex^{cy} may guess what Justice his Mat^{r} may expect from th^{t} Governour or Governm^{t}, which is all &c. B. M. Vol. 25

The above is a copy of what was con^{t} by Col. Quarrey himself att end of a longe narrative concerning the illegal Trade, &c. which amongst a great many other papers were sent to the Lords for Plantacons & the Secretary of State, the Lords of the Treasury and the Commissioners of the customes by

[signed:] Fr: Nicholsòn

Memorandum to inquire of Mr Savage at the Custom House, the Secretays Office, the Plantacion Office, and the Treasury for Col. Quarrys paper about illegal Trade, &c.

[Endorsed:] Part of Coll. Quarrys letter to the Governor Pensilvania Privateers.

[R. Snead to Gov. Nicholson]

April the 13th 1697 From my Plantation near Philadelphia

S^{r}

Pardon this Boldness I have pursuant to a Proclamation Informed Govern^{r} Markham of 3 or four Serv^{ts} that were in the Ship Fancy that was run away with from Spaine that belong to England & that committed the Piracy as is mentioned by the said Proclamation as by their owne Confession & by all circumstances as by having Arabian plate & money & by their coming from Providence to Carolina & from thence hither but hee would not take any notice of it saying th^{t} he never saw the Proclamation I offered to shew it him wch he refused saying that hee had nothing to doe wth it since it was not directed to him, I being a Magistrate thought it my duty notwitstanding to apprehend three persons & likewise informed the rest of the Magistrates but they being Quakers and seeing the Govern^{rs} dislike to it did not care to meddle with it however I charged th^{m} with & prayed their assistance after I had apprehended two of them & desired they might bee secured according to law but notwithstanding bailed them whose bale is one bound for another and others th^{t} was guilty of the same fact though not in the same ship wch I declared agst I not being a Quaker and the Govern^{rs} dislike to the Proceedings was abused for doeing my duty I desire that y^{r} Ex^{cy} will be pleased to recommend it home to the Lords Justices these persons names are as they goe by here & as I suppose went by aboard

B. M. Vol. 25. Edmond Lacy Robert Chinton James Browne & Peter Clous this James Browne married the Govern^rs daughter since hee came, wee have witness enough from their owne mouths soe as to declare them or send them home but I fear their being sett at Liberty by the quantity of money they have I pray that yor Excell^cy will take into yor wise consideration to doe what is necessary in this case for the glory of God & the Hono^r of his most sacred Maj^tie who I pray God grant a long life & happy Reigne over us, praying yor Excell^cy to excuse mee & give me leave to subscribe myself the meanest of the Serv^ts

S^r that Peter Clous was one that was in a Dutch or draw ship that they took before they tooke the greate Prizes R. S.

Robt Snead.

A true Coppy.

[signed:] Fr: Nicholson.

May it please yor Ex^ncy

S^r, I a second time have made bold to trouble you with a few lines concerning some passages that have happened here concerning some pirates that are here I apprehended three of them & they tooke bayle for them but on Satterday last I took them up again & procured sufficient witnesses that they were those Pyrates that were on board the Ship Fancy Capt. Henry Every alias Bridgman comand^r as the Proclamation makes mention of one of th^m has Confessed most of their Piracy he is a Dutchman he sayes he was taken by them in a Dutch ship of sixteen Gunns & 31 men the golden lions arms John Johnson Comand^r in Company with one more of 20 Guns & 41 men named Christianus Burge one Mordrees Comand^r both from Copenhagan, but took their commission from the King of Denmark to trade with the West India Company in those parts; this ship Fancy came where they were at anchor at the Island de Prince & commanded them on board and told them that the English were att warr with the Deans and therefore they were a prize; the Dutch told them there was noe warr therefore noe prize and immediately they fired upon them and after some dispute took them, but in the dispute the merch^t went ashore with a chest of gold, which after they understood they sent on shore th^t if they would not bring the chest on board again they would hang all the rest, which the other th^t went on shore to tell them forst them to doe, being Dutchmen of their own Comp. but notwithstanding they kill'd many of the Dutch, sunck one of the ships and burnt the other and from thence went to Persia and took a Percian kill'd numbers of them & much richer & went to Providence and there run her on shore.

One other that has married the Govern^{rs} Daughter one James Browne that was in the ship Fancy but sayes he was a passenger in the s^{d} ship declares that these three persons vizt Edmund Lassell, Robt Clinton and Peter Claus was on board this ship Fancy Capt. Henry Every alias Bridgman was Command^{r} as the Proclamation makes mention of and notwithstanding the Govern^{r} is about to take baile for them, & has sent for me before him & the Councill to know what I had to say against them, I told him when they were on a Tryall I would produce my Evidence th^{t} was for the King before I thought it not materiall for fear of Corruption. B. M. Vol. 25.

S^{r}, I beg pardon for this scribling. Perry being in fear of loosing his tide makes this haste. I will send the particulars to the Duty of

Robt Snead.

May it please yor Ex^{ncy}

S^{r}, I writt by Mr Perry but he being in hast was forst to Right imperfit. I seizing of some Pirates & confining them as in Duty bound having an Acco^{t} of such inhuman Actions they have committed and that our factories are seiz'd, & one cutt off, thought it necessary not only to take up those as the proclamation makes mention of, but those that came in before, th^{t} had committed the same crime, but Govern^{r} Markham with others so violently opposed me that not only threatned to Committ me, but Encourage those Pyrates to affront me, that I fear violence every minnit by them. He is about to erect a Court on purpose to trye them, which I cannot see any ways to be done by Law, the intent is to cleare them before, or for fear of a power from yor Ex^{ncy}, having believed you may have some Ord^{rs} from his Ma^{ty} for the seizing them and their Estates, most of th^{m} having made purchases here. I pray if yor Ex^{ncy} can by any means protect me here for serving my King, I pray it from you. I have done nothing but according to Law but expect dayly some violence either by imprisonm^{t} or other ways. I made bold to trouble this worthy gentleman to deliver it to yor Ex^{ncys} hand which were it not for my Estate not being in order would heartily kiss this spring & pay my duty, but dare not for fear of some trick, the reason of my taking them up is for fear of their making over their estates, here being a report that there is a Power come to Seize them. All at present from

Yo^{r} Ex^{ncys} most humble and
most obedient Servt to Command

Robt Snead.

Philadelphia, June 1st 1697.

B. M.
Vol. 25.

Philad. June 24th 1697

May it please yo, Exncy

Sr, I rec'd yours the 16th of June 1697 the day after I went with Mr Robinson to Capt. Markham. I ask't him if he had received a letter from the Rt Honble the Lords of the Privy Councill he said noe, after some time pausing he said he had rec'd one from the Lords of the Trade of the Foreign Plantations. I told him I suppos'd it was from the Right Honble the Lords of the Privy Councill, he seemed not to understand it was. He rec'd it the morning before and instead of publishing the proclamation as directed forthwith, the Pyrates had notice of it immediately. Mr Robinson the night before had desired him to order those 3 Pyrates that were in Prison to be better secured and a gaurd sett over them, but nothing was done that two of them made their Escapes that night. I had information where they were the next day, we desired him to issue out a Generall Warrant to raise a force and armes to take them, but there was nothing done to any purpose, that any might se there was liberty enough for them to make their escapes. I suppose Mr Robinson will informe the whole matter and likewise of a Riote of about a hundred of Saylors, most of them has run away from Maryland and Virga We have narrowly inspected into all the Vessells here and cannot find they belong to any. We took eight of them. I would have sent them to Virga on board the men of Warr, but the Deputy Govr would not, we fin'd them five pounds apiece and imprisonmt till they pay'd it, but the Govr intends as I understand to sett them at liberty. Here is a sloop of 10 Guns from Carolina whose master was one of the Pyrates, that by all circumstances these Pyrates intend to make their escape in. Capt. Markham after much intreaty to grant a warrant to search her for those that broke prison (as they call it) but not a word of the other Pyrates that are as guilty as they, there is one of them taken, the Governr seems concern'd at his being taken. I have writt to Coll. Quarry and given him an Accot of what has happened since he went. Mr More presents his most humble Service to yor Exncy If yor Exncy pleases to Honor me with yor Commands in any respect I shall be ready to Execute them as yor Exncy's

Most faithfull & most obedient Servt
Robt Snead.

Philadelphia 7br 8th 1697

Sr, yor Exncy was pleased to Honor me, with a letter dated August the 16th last & what I writt yor Exncy before concerning those Pyrates is truth and every tittle can be proved whenever it shall be questioned, as for those Saylrs that we had in

Gaole we desired Capt. Markham to put them on board a Vessell that was bound to the Fleet to send them on board the Commodore, knowing they were runaway from the Fleet, but he would not. We fin'd th^{m} five p^{ds} each for their Riot and to remain in prison till they pay'd it, thinking th^{t} might have made them have been willing to have gone, but instead of that Capt. Markham forgave th^{m} their fyne and set them at liberty, they and many more went through the Countrey up and down braging of their Triumph. Yo^{r} Ex^{cy} writt to Mr Francis Jones when to me when here and mentioned me in it, which he like a villian gave to Capt. Markham's Clarke Clapole, to shoe him, wch he did, they would have taken a copy of it, he told them they might keep the Originall like a Rascall. I have heard how kind yor Ex^{ncy} hath been to him Capt. Markham has put me out of Commission th^{t} the Pirates might have more liberty & now they walk the streets as impudently as ever in defiance I am very glad of being eas'd but sorry I cannot serve the King any further at present. S^{r}, I gave Coll. Quarry an Acco^{t} at large by the last Fleet but I fear Mr Plator gave our pacquett to Jones. B. M. Vol. 25.

When yor Ex^{ncy} pleases to hon^{r} me with a line let it be by a safe hand, yor Ex^{ncy} may assure yourself I will never write anything but what I will prove. I hope God and our Soveraign the King will direct us that we may be govern'd better for their Glory & Hon^{r} is the prayers of yor Ex$^{ncy's}$ most obedient faithfull and humble servant to command

These are true Coppys Robt Snead.

[signed:] Fr. Nicholson.

[Pirates in Pennsylvania]

The Information of John Chiles of his Ma^{tes} Colony of Virginia

This Informant saith

That being lately at New Yorke he happened in Company with the Gunner belonging to his Ma^{tes} frigot the Richmond, whom he heard telling to some Gent. then in Comp^{y} how that he was sent (by Capt. Evans his command^{r}) to Pensilvania in pursuit of 3 runaway seamen where he obtained a Justices warrant by virtue whereof two of the said Runaways were seiz'd & in his custody but afterwards rescued from him by several seamen in the Town of Philadelphia and he himself beaten & grossly abused by them particularly at the Instigacion of one Mr Andrew Morris a magistrate & one of the Councill of th^{t} Governm^{t}. That he heard say at Philadelphia how that Charles Goss a Pyrate was kill'd there by a French

B. M. Vol. 25. man about Sunday last was a sennight & th^t at the s^d Gosses funerall one Capt. Snead a magistrate of th^t place had stab'd a man as he was standing upon his guard and defending himself from four or five men that assaulted him there.

That there lyes a great ship betwixt Upland and Philadelphia say'd to be mounted with thirty-six guns, wch this Informant says brought in a great many servants but very few Goods for wch he had Cocquets as this Informant was told by Mr Vanderheyden & some others who reported likewise that they believed the s^d ship had brought in more Goods by reason she stay'd some time below before she came up into those parts where it is imagined she might put the same on shore.

The s^d Informant further sayth that he heard it credibly reported there were a great many Privateers up and down the Governm^t of Pensilvania & that two of them had lately broke out of Philadelphia Goale, which were supposed to be of Capt. Every's crew.

That as he travelled through Pensilvania & the Jerseys to N. York great inquiry was made of him (understanding he was sent by his Ex^ncy Sir Edm^d Andros his Ma^tes Govern^r of Virg^a upon an Express) whether or noe he brought any orders concerning the Privateers or if the Privateers were taken up in Virg^a

Taken before his Ex^ncy the Govern^r at the Port of Annapolis the first day of July, anno 1697. } Hen. Denton, Cl. Concil.

By his Ex^ncy the Govern^r &^ca July the 1st 1697.

Upon credible Information this day rec'd how that a great many Privateers and Pyrates lay sheltering up and down the Province of Pennsylvania whereby Encouragem^t is not only given to the looser sort of seamen and servants of the adjacent Governm^ts to run to them, but are also protected, harboured, aided & assisted by open force and violence among them, as well seamen belonging to his Ma^tes men of warr as merch^t men dayly committing severall violences and outrages to the very great disservice of his Ma^ty and damage of his subjects and forasmuch as it is supposed they may have some design on foot so soon as an Opertunity offers to effect it, whereby the frontier parts of this his Ma^tes Province lay equally exposed to hazard with those of Pensilvania:

Ordered therefore that public and speedy notice be given to all officers military and civill belonging to Cæcill County within this Ma't's Province of Maryland and all masters of ships riding in those parts that they be upon their guard and take particular care (more especially the Sheriff) to prevent

disturbances, mischief or any attempts wch possibly may be made by the s^d^ privateers & Pyrates & the Inhabitants & seamen runing to them. B. M. Vol. 25.

Signed p Ord^r^ Hen. Denton, Cl. Concil.

C. Coecill. July the 15th 1697.

Mr Henry Dentin: About three weeks agoe I happened to goe up to Philadelphia and in my stay there which was 5 days Charles Goss one of the Pyrates was stob'd by Mr James Martin a French merch^t^ the s^d^ Martin as it was related being much abused just before by the s^d^ Goss, and at the funerall of the s^d^ Goss, one Capt. Snead, one of the Justices of Philadelphia coming amongst them that were drinking told them that they should behave themselves Civilly or else goe their ways homewards; they being in drink gave him some Obrebious words and fell upon him, upon which he drew his sword and stob'd one of them, who it was I doe not know, I hear he is since recovered. The Pyrates were much alarm'd at that time, being as I was told occasioned by Capt. Thomas Robinson his coming up there then with some Commission to call them to account I doe not question but his Ex^ncy^ hath had a full Acco^t^ of the s^d^ Robbinson before now of what Occured in his stay there, he being gone down last weeke to Virginia.

Whilst I was up at Philadelphia, one James Trent came up who had left his ship mounted with 36 guns below the town of N. Castle and brought in about 150 Scotts Serv^ts^ but little goods he did search for me understanding that I did live in Maryland and asked me whether I could not give him Encouragem^t^ to come to Maryland he wanted a loading of Tobacco, to whom made Answer that none or little was to be gott before the new Crops, upon which I doe believe he doth intend to make a voyage to Barbadoes, and so in the Fall to come there. I do suppose he doth serve in the same Imploy with Mr James Coutts. This being the substance of what I doe know of the matter have thought my duty in Ord^r^ to his Ex^ncy's^ Commands to acquaint you with and subscribe

Yo^r^ humble Servant

These are true Coppys. Matt. Sheyden.

[signed:] Fr. Nicholson.

[Escape of Pirates]

The Information of Thomas Robinson Esqr

This Informant saith

That upon the 16th of June (as he remembers) he came to Philadelphia where he th^t^ night waited upon Govern^r^ Markham

B. M. Vol. 25. & shewed him the Commission & Patent he had from the Earl of Romney in relation to Prizes and told him that he heard there was one Robt Chinton Edmund Lassell and a Dutchman that were in Prison wch were suspected to be of Everyes Crew saying the Goal was insufficient to keep them therefore desired they might be better secured, who said they should that night. The next morning Mr Cole the Landlord of the house where this informant lodged came up into his bedchamber & told him that Robt Chinton & a Edwd Lassell had broke Prison & were gone. That about ten of the Clock that day he waited upon the Governr again & told him it was a very ill-managed business to lett the two Principal Criminalls about Town escape after manner, who for answer said that he was neither Shff nor Goaler & tht the County ought to be fined for leting thr Goale be insufficient. That the same day or next day after be went to the Prison to see the Place where they were said to make their escape & at the bottom of the doore did see where there had been a board about 14 inches long & 10 inches broad ript off but could not possibly believe tht men of tht bulke could get through at such a place especially Chinton who is said to be a very fat gross man That the sd morning they brake Prison the Governr issued out a Hue and Crye to take them wth a promise (by the Bellman) of a reward of five pounds a piece to any one that should apprehend them. That in the afternoone one Hannah Witt came to this Informant & Mr Francis Jones before whome she made oath she had seen the sd Chinton & Lassell three times that day among a parcell of bushes neer a place called the Centure in Philadelphia, Chinton having a sword by his side a pistoll in one hand, another stuck in his girdle & a musket upon his shoulder. One John Claypole Sheriff of Philadelphia County being then by told the woeman that he was sure she was mistaken for tht they were not there. Whereupon this Informant went to the Governr & acquainted him with these matters & desired he might have his speciall warrant to apprehend them seeing they were so nigh, to wch the Governr made auswer that he knew of no business this informant had with any warrant nor that he need trouble himselfe about them; however told him afterwards that if he would write a warrant himselfe he would signe it, which accordingly this Informant did by direction of the sd Governr Ordering the same to be made directable to the Sherriff wth a blanck to be left for other persons names to be inserted by the sd Sherriff, whom, he thought fitt. That this Informant carryed the sd warrant to the sherriff & acquainted him wth the Governr's Comands relating thereto, but he utterly refused to fill up the warrant & said he would not go unless this Informant went with him, by which

means the warrant was left unexecuted neither would be rec^{d} by the sherriff, and the persons thereby made their further escape B. M. Vol. 25.

That there were warrants out for apprehending Charles Goss Edmond Duke Castell George Thompson Adam Birch & James Miller known privateers & pyrates notwithstanding which they were publickly & dayly seen up and down the streets of Philadelphia without any notice taken of them, and that one Edward Shippen a Magistrate & one of the Councill of th^{t} Governm^{t} (as this informant believes) was at the same time known to be in company of Adam Birch and others of the s^{d} Privateers at the said Adam Birches house wch he also confessed to this Informant being asked the question.

That about the 19th of June past one John Mathias came and surrendred himselfe up to this Informant upon their Ex^{ncys} the Lords Justices Proclamation, as being one of Everyes Crew, whom this Informant delivered up to the Govern^{r} and was by him committed to prison.

That upon the 21th of June after the s^{d} Mathias was brought before the Governor & Council & examined (this Informant being there likewise present) where he confessed & declared that he was a Sweede belonging to a ship that had the King of Denmarks Commission to trade upon the Guinea Coast, a Hamburger there being another ship then in Company wth them th^{t} had also a like Commission both wch ships the said Capt. Every tooke riding at an Anchor in the Island of Prince, & plundered them and tooke to the number of sixteen men out of both ships & carryed them away with him, wherof he the said Mathias was one.

That from thence they went directly to the Red Sea where they tooke one or two large Persian ships richly laden as he suppos'd by the great quantity of Gold & other plunder they brought with them after they came from rifling the s^{d} shipps.

That Chinton was Everyes chief Lievten^{t} and Lassell some sort of officer belonging to the s^{d} ship but could not tell of any more of them that were in Pensilvania save the Dutchman th^{t} was in Prison & belonged to the other Hamburger ship; but as to himselfe he said he received no share but what they were pleased to give him for mending their cloaths & such like; to the quantity of about 300 peeces of Gold.

That after yor warrants were out for taking up the Privateers, Charles Goss (one of them) came to one widdow Hutton's house to take his leave of her, where in a quarrell wth a Frenchman he was kill'd.

That two days after (at the s^{d} Goss's funerall) there hapned a Riott which one Capt. Snead, a Magistrate of th^{t} place, going to appease & command the peace, he was violently

B. M. Vol. 25. assaulted and in defending himselfe from the Rabble he casually wounded a man.

That there was a Rumor of a Carolina Sloop being there, wch was intended to carry off those Privateers but notice thereof being given to the Govern^r^ he made the Master enter into 2000^ll^ bond to the contrary, but the s^d^ Master being known to be an old Privateer himselfe is suspected notwithstanding to have carryed the s^d^ Chinton & Lassell away with him.

The said Master's name is Meddlecot & is said to have been Chyrurgions mate to a Privateer that went to the Persian Sea about five years ago, whereof it is said that James Miller one of the Privateers afore-named was Master.

Tho: Robinson.

Mr Francis Jones merchant being lately come from Philadelphia and having had the Perusal of the foregoing Information does say that he is sensible of a great part thereof by his own knowledge, having been an Eye & Ear witness to severall passages therein contained.

Fra. Jones.

At the Port of Annapolis July 13th 1697

The within Information signed to by Thomas Robinson Esqr and Mr Fran^s^ Jones within named was taken before his Ex^ncy^ the Govern^r^ & the Hono^ble^ Sr Thom^s^ Laurence Baron^tt^ Sec^ry^ the day & year above written.

H. Denton, Cl: Concil:

At the Port of Annapolis March the 17th 1697/8

Thom^s^ Robinson Esqr the within Depon^t^ came before his Ex^ncy^ in Council & made Oath upon the Holy Evangelist that what he has within deposed is truth.

H. Denton, Cl: Concil:

Vera Cop^a^ Exaiata per Original

W. Bladen, Cl: Concil.

Vol. 26. [Charge against Nicholson and Retraction.]

Maryland, December the 21st 1692.

Mr Paggent

Sir,

Mr Francis Nicholson our Liev^t^ Govern^r^ being lately gone for England upon som private sinister account as we have

occasion to suspect wee take this oppertunity to acquaint you as our Agent therewith Desireing you to be very diligent in watching his motions and if he shall offer anything on his own behalfe or otherwise in prejudice to this Government or our Govern^r^ who wee are truely sensible hath demean'd himself with that apparent loyalty good Conduct prudence & Integrity to the Hono^r^ of their Maj^tyes^ and the Generall Sattisfaction of the whole Countrey that wee are bound to pray for his continuance amongst us and cannot well hear of any ill against him wee desire you will appear on our behalf to defend the same by representing to their Maj^tyes^ the Lords of the Committee or wheresoever it shall happen to be the True and Genuine character wee have given you of the one and the contrary disposition of the other not unknown wee presume to you and most people of the Revolution wherein he did in noe small measure demonstrate his Inclinations and aversion to the present Constitution and frame of Governm^t^ which he sufficiently declares to be still his Resolution in Countenanceing favouring and associateing himself with none but Papists and others of the disaffected Party their Majesties known Enemyes who take the freedome in his Company and presume if not by his advice and Encouragem^t^ to drink healthe to King James, and frequently amonge one another to the man that must have his mare againe a by-word they have to express their Desire of a Change & the Restitution of King James to the Crown which they feed themselves with the hope of seeing Effected before before May day we have two many of that hue amonge us, God preserve their Maties and confound the wicked Expectations of such their Enemyes and deliver us from their hands, by our next wee shall Endeavour to furnish you with what Evidences or other substantiall proofs wee can for your better Managem^t^ of this and all other matters committed to your Charge and in the mean time wee rest, S^r^, yor humble Servants

N. Blackiston Thomas Tench
N. Greenberry John Courts. Thomas Brooke

To Mr Peter Paggen
Merch^t^ in London
These.

B. M. Vol. 26.

Annapolis, June 4: 1697.

May it please yor Lordships

Upon perusall of a former Journall of Govern^r^ & Councill in the time of his Late Ex^cy^ Lyonell Copley Esqre wee find a Letter signed by sever^ll^ of us directed to Mr Peter Paggan and dated 21 December 1692 and being apprehensive that his present Ex^cy^ Francis Nicholson esq^re^ our Govern^r^ is very

B. M. Vol. 26. much reflected on thereby we humbly begg leave of your Lordshipps to doe his Ex^{cy} what Justice wee can by acquainting your Lordshipps with the reasons and motives of that Letter & what wee know of our one knowledge of his present Ex^{cy} since that time.

As to the motives It was purely at the Instance and averrm^{t} of his s^{d} Ex^{cy} Lyonell Copley Esqre and Mr Blackistone who was the onely person wth whome he permitted private Conference or Imparted secrets to both of whome did assure us that they had great reason to suspect such things as is mentioned in the first part of that Letter and said that they had sever^{ll} Informations and should in some time gett proof of such practises in his s^{d} Ex^{cy} Francis Nicholson Esqre as are there mentioned and thereupon the Clk. having by Ord^{r} as wee conceive prepared a Letter for us to signe It was tendred to us and wee desired to Signe it which wee did but never after heard any proofe of those allegacions nor anything more of them.

But since that upon better acquaintance and knowledge of his Ex^{cy} Govern^{r} Nicholson wee find the direct contrary principles in him to what was then asserted, that he is so farr from Dis-affecting the then and present Constitution of Governm^{t} that it hath been his great care and studdy to preserve and Improve the same by the best measures and meanes he can.

And as to Conntenanceing Papists &c wee find nothing in him tending that way unless it be his administering Justice to them where it is due without distinguishing one Sect from another but on the contrary our Journals and all other records makes appeare and wee are assured that none has ever done more both by his persuasions and examples & large Guifts to propagate the Protestant religion in this Province then hee.

This wee thought ourselves obliged in Justice to say to yor Lordshipps to vindicate the Hono^{r} of his Ex^{cy} and wype of the afores^{d} reflections in a manner imposed on

Yo^{r} Lordshipps most humble Servants
Nich: Greenberry
Tho. Tench
John Courts
Tho. Brooke.

Vol. 25. [Wm. Penn to E Randolph.]

Warminghurst, 16 Oct. 1697.

Edward Randolph.

I shall not fail to oblige Cl. Markham to use his Authority to right the Interest of the Crown in all respects, and if thou

expectest my letter besides thou shalt have it. But to be very plain I doe expect another sort of correspondence, and th^t those which have been the Instruments of raising this smoake ag^st my Province will quench th^t fire which feeds it, or I must fling away my scabbard and openly detect and impeach too, and I neither fear my matter nor my interest to back it. For that a man and his Family and his Friends should be smothered in a Dust malice has raised and aggravated only to dispossess us (as I am able to prove) by the parties concerned in the plot, is scandalous to all th^t love truth more than trick. And I expect if we are to live good Friends, th^t Thou wilt here, as well as there, do thy utmost to lay these things before thou goest; which, as it will shew a reality, will oblige one th^t dares be just to Friendship and th^t on these terms will shew himself thy assured friend B. M. Vol. 25.

Will Pen.

I intend to write again before thou goest.

To Edward Randolph Esq. at the Custom House, London. The Original of this Copy I left in the hands or Mr Henley Commissioner of the Customs. E. Randolph.

[Signed] True Copy, Fr. Nicholson.

Mem: after I had attended Sir Thomas Trever the Atturney Gen^ll where were by his Order also attending Mr Pen, Col. Winthrop, Mr Basse, in behalfe of themselves and other the proprietors about his Majestys appointing Atturneys Gen^ll in the several proprietorys, Mr Pen and Col. Winthrop came to me on the 19th of October 1696 not far from the Atturneys Chamber and told me the Act for preventing Frauds &c. was made to ensnare honest people.

That he had the Regalia, & did not value the Act. 20th of of October, Col. Winthrop told me the introducing th^t Act was a barbarous thing. E. Randolph.

Annapolis. January 18. 1697

True copy,

[Signed] Fr. Nicholson.

[Endorsed by Nicholson:] Pensilvania. Copys of Mr Randolph's letters.

[Wm. Penn to Gov. Nicholson]

Warminghurst, 22 9^ber, 97

Col. Nicholson,

I am sorry th^t any man th^t values himself upon his character, should so much forget it as to act an unneighbourly part,

B. M. Vol. 25. which is the softest term I cand find, to engage thy patieence to read and weigh this complaint of mine agst thee to thyself.

When Thou left'st England, I well remember, thou wert pleased to desire to see me, and at that time offer'd me friendly Offices. I took it as became me, very civilly and kindly. After th^{t} I feared no night stabs, or secret Designs against me and my Interest, for I cant help believing any gentleman, when he gives me so much ground for it.

It is true, Thou hast shewed Col. Markham an exterior respect for some time, but th^{t} makes him take this late Turn of Treatment so much the harder. For if he were as culpable as he represented, methinks he might first have been advised of such irregularitys, and if not speedily mended, thou must complain at home. But, instead of this method, to carry smoothly there, & at the same time to encourage Edrd Randolph to impeach him and the province here, two years sucessively, and th^{n} first invade the Province by force, drums beating and colours flying, & afterwards write against us; and all this immediately after an appearance of a good Understanding, seems to me not very prudent, and, to be sure, very unneighborly.

A letter of complaint to Mark. with a warning, in case he were not more careful, to complain at home, with an order to the Messenger to take his receipt for the letter, would have more effectually touched him, and have obliged his care, or exposed him much more to censure upon neglect.

But this is not all. Govern^{r} Nicholson, when in my province, upon his return home, if not as he came, made it his business to spy holes in our Coat, and glean up our weaknesses (if any were) by asking and pumping at private houses how they were governed, what Trade, what ships frequented them, if they were injur'd or oppress'd in any respect, as I am assured from th^{m}, which has not a good Face with it, in my opinion, nor can it tend to peace among the King's subjects & Colonys.

But yet a more disingenuous thing I complain of, to wit, holding a Correspondence with people in my Province, in order to expose the Government at home, which must end in the disgrace of it, if not in mine, and my suffering Family's Ruine.

This is what I believe Col. Nicholson would think very ill in me; if I should, or could, provoke any of our Friends in Maryland, or any else to serve thee so, thou wouldst punish it severely.

I know th^{t} C^{pt} Snead, G^{r} Jones (lately of M. land) & one Moor, &c, have been thy correspondents, at least are of a Cabal to blow us up. And for th^{m} to doe this, and never send

me one word of any real miscarriage, & what they would have redressed, is villanous in them, and in Govern^r Nicholson not well, being fitter for independant soveraignties th^n persons of the same Nation and Allegiance. Truly these things trouble me. Had Col. Nicholson sent me word of any miscarriage, or careless, if not corrupt, practices of our faults, I would have taken the Information most friendly, and begged his oversight, as the greatest favour he could doe me. B. M. Vol. 25.

There are two ways of doing all things, a faire and a foul, a rough and a soft method. I could not have hurt Col Nicholson's trust, to have shewed us, the first time at least, his fairer and softer side. I omit thy particular heats against us, thy Imprecations upon poor Philadelphia, and that there shall be as many Bills set up there as houses in a while; because it may be the fruit of passion: yet out of the abundance of the heart the mouth speaketh, as saith our blessed Savio^r Nor will I take notice of faults in thy own Charge and Goverment of which I have heard many, and foul enough if true; for its not my business. Nor have I once aggravated th^m to thy disservice; but have oftener excused thy excesses th^n served myself of th^m and th^t for the sake of some good qualities I have heard of thee by some that knew thee before thou knewest America. And therefore in my Complaint, with many more, about the 10^ll p. c. calculated plainly to our prejudice (it being only executed upon us) Virginia and New York being allowed to escape th^t cruel Incumberance, and indeed oppression, and what is in its own nature an high misdemeanour ag^st Mother-Countrey-Engld, I worded it without the least personal Refction. And in o^r Friends Memorial to the Lords of Trade and Plantacions about the 40^ll of Tobacco p. head, Thou art not so much as named. And I must doe th^m the Justice to say they have not play'd the Capt. Snead to Thee, but with great Regards to thy Reputacion saying nothing that was ill, and several things that were to thy Advantage. And in my reply to thy answer to S. Carpenter's &c. petition, there is not one Insinuacion but what strictly belongs to the business, and in Terms short and decent, I hope.

I say not this to bespeak any thing but justice and hearty good neighbourhood, if it may be; and if it cant be we must shift for ourselves. But because thy Friends who have written to thee, have assured me it will be better, and th^t we shall live with more regard to a friendly Commerce and Correspondence, I have writ this to let thee see it is in thy power, if thou pleasest, to have a better understanding, to our own satisfaction, the good of the provinces and their happier Intercourse, and the Crown's true service. And if this meet wth a right

B. M. Vol. 25. Reception, and th^t I am not misunderstood, thou wilt allways find me Thy kind neighbour
and real friend
Wm Penn.

True Copy
[signed:] Fr. Nicholson.

[Postscript on a separate sheet]

I thank God I abhor all indirect methods, as at conniving at forbidden Trade, or the abuse of the Crown in a lawful one. And if any are faulty in my Propriety, as I am innocent, so I am sure I would not indure but punish it to extremity, if among them. Tho, here itself so full of officers and checks it happens too often.

When Ed. Randolph arrives there, he will be able to say more upon th^t head, and the Regulacions th^t are fixed for prevention. In which I also had my share in proposing some of th^m and agreeing to others, as the lords well know, which I heartily wish may be observed.

W. P.

For Col. Nicholson
Governour of Maryland

True Copy,
[signed:] Fr. Nicholson.

[Endorsed:] Copy of Mr Pens letter to his Excellency Gen. Nicholson.

[N. Bayard to Gov. Nicholson.]

N. York. 30 X^ber 97.

Mr Brook (amongst other things) acquainted our Govern^r Col. Fletcher th^t Mr Pen was in great esteem at Court, and by what I have seen & heard he has been very instrumental to displant Col. Fletcher from the Governm^t Yet some short time before Mr Brooks his departure, s^d Pen took an apportunity to tell s^d Brook, th^t yourself was to be removed from your Governm^t and th^t he had enough ag^ts you to effect it, th^t he might acquaint Col. Fletcher, if be had a mind to th^t Governm^t of Maryl^d; he adviced him only to make some stay in these parts, and doubted not but would procure th^t Governm^t for Col. Fletcher, who I know utterly abhors such intreagues, is fully resolved to depart hence in his Mat^ys ship the Richmond.

The above is part of a letter from the Honble Col. Nicholas Byard one of his Maj^tys Council of N. York & sent to

[Signed:] Fr. Nicholson.

[Pirates in Philadelphia.]

B. M. Vol. 25.

The Narrative of Capt Robert Sneed one of the Justices of the Peace in the Province of Pensilvania in America relateing the discourse between Mr Markham the Govern^{r} and himself about Pyrates & also his proceedings with those belonging to the ship Fancy (als Charles the Second) Henry Every als Bridgeman Comand^{r} during the time they were in Philadelphia both before & after his receiving the Proclamacion & Lett^{r} from the R^{t} Honble the Lords Comm^{rs} for Trade made publick for the Justification of himself in his managem^{t} at that time.

About the latt^{r} End of Aprill 1697 there came to my hand a printed Copy of the Proclamation sett forth by the Lords Justices to Apprehend the Pyrates wch came away with the ship Fancy (als Charles the Second) from Corunna in Spaine Henry Every als Bridgeman Comand^{r} & such other persons as were with him in the s^{d} ship, in ord^{r} to have th^{m} punished as Pyrates & Common Robbers upon the high seas, I being then in the Commission of the Peace of the s^{d} Province, knowing that severall of those Pyrates were then in Philadelphia, went to the Govern^{r} (hearing th^{t} he also had seen a coppy of the s^{d} Proclamacion) I told him I had seen a Proclamacion from the Lords Justices for apprehending Pyrates & that Robert Chinton Edmund Lassell &^{ca} of Philadelphia were then in Town & were known to be some of those Pyrates; he told me he had not seen it (wch I could prove to the contrary by Robert Webb the late Coll^{r} who had some time before shewed him a copy of it) I replyed if he pleased I would shew him a copy of it, he said it was not directed to him so that he was not bound to take Notice of it, nor to examine men from whence they came, so they brought money with them: I answered th^{t} this Proclamacion being directed to all his Maj^{ties} Govern^{rs} in the Plantations & all other Officers & persons whatsoever, I thought he being Govern^{r} was concern'd & that it would be for Mr Penns Interest & his own Safety to put it in Execution wch noe doubt would be a good Service & well taken at Home, for it would be soon known th^{t} such persons were here, he replyed the Hublands ought to have writt to him; to wch I answer'd they would certainly have done so had they known that any of those Pyrates had been here, I being at th^{t} time very Intimate with him told him very plainly that there was a good understanding between him & the Pyrates, & none so blind as those th^{t} would not see; he said tis true the men had been civill to him, they had brought in money wch was an advantage to the Countrey, I then asked him how I could be discharged from my Oath as a Magestrate, if I did not take

B. M. Vol. 25. Notice of the Proclamation; he was very angry and upon that I left him; his wife and daughter (as I afterwards was told) heard what passed between the Govr & myself & went to Robert Chinton one of the Pyrates, and acquainted him of all th^{t} discourse, who went immediately and told the rest of the Pyrates of it, whereupon they were so impudent as to call me Informer as I pass't the streets. I again went to the Govr and acquainted him of their Insolency, & th^{t} I believed some of his family had acquainted the Pyrates of our discourse about them. His wife and daughter (then being in the Room) said they did hear it & that I was no better than an Informer & deserv'd to be so called. I then told him what was discoursed in his house in private relateing to the publick ought not to be divulged, his answer that he gave me noe thanks for it, I then told him that I was resolved by the help of God to apprehend those Pyrates according to the Proclamation and that I would not be foresworne to Oblige him, and so left him.

I went immediately to Edwd Shippen and Anthony Maurice two of my fellow Justices and acquainted them of the Proclamation & the Pyrates that were then in town, who seemed at first well pleased and willing to assist, but whilst I discours'd with Edwd Shippen, Maurice (whose Kinswoman was married to Claus one of them) went to the Govern^{r} & when he return'd, Refused to act, pretending he had other Business, but upon my threatning to complaine of him at Whitehall, he then joyn'd with us. After I had seiz'd upon Edmond Lassell Robert Chinton & Peter Claus three of the afores^{d} Pyrates I caused them to be brought before us. We examined them, by wch it plainly appeared th^{t} they did all belong to the s^{d} ship Fancy. I was for committing them to close prison, but Edwd Shippen & Anthony Maurice were for Bayling them. I sent for the Kings Att^{y} Gen^{ll} to Inform them bett^{r} who told them Pyrates were not Baylable, notwithstanding they took bayle, one Pyrate being bound for another, which I protested against.

Some time after I had more Evidence and understanding the Pyrates had a Design to be gone, I took them up again upon the 15th of May following. One James Browne (who married the Govern^{rs} daughter) was a passenger in the s^{d} ship wth them (as he says) but being upon his oath did Confess that the s^{d} Lassell, Chinton & Claus were in the ship Fancy and had their shares in the Plunder as by the Examination n° 1 taken and signed by David Lloyd the Kings Attorney does appear whereupon we ordered the Attorney Gen^{ll} to write their Mittimus and committ them to close Imprisonm^{t} but soon after they were at liberty & went to their own Houses & into the Countrey for severall days together.

I was inform'd that there were more persons in town guilty of Pyracye. I then Issued out my warrant for Apprehending them alsoe but the Govern^r hearing of it sent to Claypool the Sherriff for me and asked me what I had to do to send my warrants out ag^t anybody without acquainting him of it, telling me he was Chief Justice & that I should Exhibite my Informations before him if I had any, & not send my warrants up & down whifling to scare People (meaning the Pyrates) & further sayd th^t those men you have Committed shall be brought to a speedy Tryall, but however let me hear now what you have to charge them with, for they shall not be kept in prison for your pleasure. I replyed the Kings Evidence was ready when a legall Court was appointed to trye them, but still refusing to acquaint him what I had to prove ag^t them, he called me Rascall, & bid me send my warrants out ag^t those men (meaning the Pyrates) if I dared, & that he had a good mind to committ me. I told him he was Govern^r & took his liberty to give me ill language, otherwise I would not take it, that was hard to be soe heared for Serving my King & Countrey. He likewise ordered the Constables not to serve any more of my warrants as appeared afterwards by their refuseing to serve them. B. M. Vol. 25.

The Govern^r being that day highly incens'd, writt the warrant n° 2 with his own hand, directed to the Sherriff of Philadelphia to disarme me. I liv'd five miles out of the town, and was often threatned by those Pyrates, & did at th^t time ride arm'd for my defence, for they were at liberty. Curtis the Under sherriff accordingly served the warrant, & took from me my sword & pistolls in the town of Philadelphia, and left me to ride home without any arms, keeping them till the Pyrates were Gone.

The Govern^r called his Councill & told them it was great pity those men in the Goale for Pyracy should lye there, and desired them to Consider of a way for their Tryall, they say'd they knew noe power sufficient in this Country to try them, neither would they be concerned in it, but if he pleas'd to ord^r them to be sent aboard any of his Maj^tys frigotts there in Virginia or Maryland bound to England they would be at the charge of it, his answer was he did not want their advice for that (or words to that Effect) and dismissed them seemingly displeased; this Sam^ll Carpenter John Custis & most of the Councill told me.

At length the Lords Justices Proclamation received by Col^l Nicholson wth orders to be forthwith sent to Govern^r Markham was delivered to him by the Maryland Post (to whom he gave a receipt for it) for apprehending Every's men & to be published immediately. About 2 hours after the Sherriff was

B. M. Vol. 25. seen to goe from the Govern^{rs} house to the Prison, he and the Pyrates walking together a considerable time, I hearing the Govern^{r} had then the Proclamation, went to the Sheriff & told him if his prison was not strong enough to hold the Pyrates, I would order him a sufficient watch to guard them, but he say'd he would doe well Enough with them but Chinton and Lassell two of the chief of the Pyrates made their escape that night the others continued in Goale; then the day following the Proclamation was published, but a little time after that those Pyrates wch remained in prison had their libertys without bayle, and Chinton & Lassell who did run away before the publishing of the proclamation were seen afterwards about the Town, upon wch I & some others inform'd the Govern^{r} of it, & desired he would Issue out his warrant for men to apprehend them, there being a person ready to goe with them to the place where Chinton and Lassell were, but nothing was done in it.

City of New York, April 7th 1698.

A true Copy of the Originall as it was this day sworne before the Mayor of the City of New York. Compared & examined

per Will. Sharpus Cl.

A true copy.
[signed:] Fr. Nicholson.

Memorandum of severall matters relating to Maryland and Pensilvania dictated to me by the Governor of Maryland at Patuxent Maryland May the 26th 1698.

Maryland.

That the letter of the clergy of Maryland to the Archbishop of Canterbury be the principal direction touching the state of the church there as now setled And that it be imparted to the Bishop of London and to Dr Thomas Bray who is also to be informed by me of the state of his own affairs.

To acquaint him that Monsieur Moreau in Calvert County is unfit for his employment and Mr James Clayland in Talbot scandalous and not qualified. And that if they are remov'd there will not be wanting above three ministers more to supply the Country since 4000 Taxables raising 16000^{l} Tobacco yearly is the least maintenance that can be allowed to one minister. The Sheriffs salary of 5 per cent for collecting and the clerk of the parish his allowance being to be deducted out of it, so that in severall places two livings must be served by one Parson.

Touching Collectors and other Officers. B. M. Vol. 25

The District of Patuxent by the Settlement of the Comm^rs of the Customs takes in all the Bay of Cheasopeak (except Somerset county) The Mapp will best shew the extent of it and how many rivers and bays it comprehends. But by the two Acts for Towns which his Ex^cy hath passed formerly for the Encouragement of Trade Ports were designed at Annapolis and Williamstadt where the Collector or his Deputy were Oblig'd to reside with the Navall Officer as also the Lord Baltemore's officer as the Law directs.

Quære of the Merchants trading up the Bay several of which have petition'd to be enter'd at those Ports, whither it be not more convenient for the Trade of the Country that shipps and vessells comeing to west, Rode and South Rivers which three are very nigh to Annapolis And those Shipps that goe above it to Baltemore and Cecill Countys since they sail just by the mouth of that Port should enter and cleer there And there Vessells that trade to little Choptank, Kent, Hole, Miles and Wye Rivers, and to Williamstadt should not enter and cleer at Williamstadt those places all adjoyning to that town and port it being very troublesome and often dangerous for them to enter and cleer at Patuxent, and impossible for the officers there to look after shipps bound up the Bay and to places is farr distant from one another.

There is nothing to be obiected to this but the lessening of profitts of the Collector of Patuxent, And that it would be much more for his Ma^tys interest there should be fewer places for shipps to ride in the masters of them will all acknowledge (except such Merchants as keep factors whose interest it is to keep the Trade disperst to the dammage of the Country) The Officers in those places being near the shipps which enter with them and easily visit and look after them which the other officers cannot.

His Excellency therefore proposes that a Collector be placed at Chester River and up the Bay only on that side since that officer will be ready on all occasions to goe by land to the head of his District in Cecill County, as the Collector of Annapolis will be to goe to the head of Baltemore The difficulty of passage being most in winter and spring which are the chief times of Trade.

Herring Bay to remain in Patuxent Dictrict.

By the appointment of the Comm^rs of the Customes there are but three districts in Maryland viz. Patuxent Patomeck and Pocomoke in Somerset County and the same reasons still remain for having a small Frigot to cruise in the Bay as have been before proposed, especially for punishing refractory seamen and securing them from running away, concerning

B. M. Vol. 25. whome his Excellency hath had several petitions from the Masters vid: their last Pet^ons And the Lords are humbly desired that when they shall please to command any of the Captains or Masters to come before them (if not compellable to answer upon Oath) they will oblige them some other way to declare the Truth it being so much for the good of the Country.

Mr George Muschamp Collector of Patomeck is ordered to live at Mr Cloud's plantation as the most convenient place upon that River But it being of so great length and the trade of it small maior Wm Dent the Navall officer who lives in Charls County is Mr Muschamp's Deputy Collector and Mr Muschamp is Mr Dents Deputy Navall Officer But in all the other ports the Collector and Navall Officer live near each other, it being necessary, they being a check each on the other And his excellency obliges them to live at those places where the Trade naturally is as he does all other officers for his Ma^tys service and the ease of the Country, it being most proper for the officer to attend his business and not the business waite on the officer as hath allways been practised in this Province.

Peter Jennings esq^r is Collector of Patuxent but by the Act of Assembly he hath a Deputy at Annapolis and another at Williamstadt. Mr Jennings is ordered to live at the mouth of Patuxent most convenient for Trade. Mr Samuel Watkins navall officer lives over against him on the other side. There is also a navall officer at Annopolis, and another at Williamstadt.

Mr David Kennedy is Collector of Pocomoke and resides in the most convenient place as does Mr John West the navall officer.

Maior John Thompson is navall officer at the head of the Bay in Cecill County particularly to look after the Trade of Pensilvania.

Memorandum. That Mr Edward Randolph brought over Commissions for a riding Surveyor at Anapolis and another at Williamstadt which may be turned into two collectors. But the Riding Surveyors now placed in Cecill County being the frontier of Pensilvania and of Pocomoke which is the frontier of Virginia are of absolute necessity Illegal Trade being much carried on in those parts.

Memorand: That the Agent consult the copys of his Excellency's two last letters to the Lords upon these and severall other matters in them conteined.

Papists and Dissenters.

That the Papists being our profess'd Enemyes and Joyning togather against us It is proposed if it can be granted they may not have so large a liberty as now they enjoy The papists

not being excepted in the matter of keeping their chappells and fraternitys open to all they can perswade to Joyn with them But in Virginia they never had that liberty. The Quakers have two generall meetings in Maryland, one on the eastern, the other on the western shore and quarterly meetings on each side the Bay where they not only transact matters of conscience but also manage their temporall affairs in which they appoint their own officers and keep books of their proceedings which are to them books of record. Tis highly probable that in those meetings they contrive ways to raise Moneys to carry on the interest of their party. Quære whether such their proceeding are lawfull and whether their books and papers may not be seiz'd in order to make further discoveries. Mem: to get a copy of the Quakers late Pet^on^ in England. The copy of their Petition in Maryland is among my papers. Mem: that Richard Johns a principall Quaker when in England this last year among others complemented the Lord Baltemore about his Comeing again into Maryland it being a talk among some of them that he should be again restored the Government of the Province. B. M. Vol. 25.

Other enemyes also to our church and state are most of the rude and dissolute people of the Province who are managed by the Papists and encouraged by the Quakers to joyn with them to take off the 40^c^ Tob. per Poll. which if it could be effected there can be no Subsistance found or maintenance for our ministers. If any person should obtain the Government of Maryland where there are so many enemyes to the establisht Religion and so few even of the Council that are cordial friends to it the consequences may prove very fatall. For no very good character can be given either of the Religion or Moralls of the people in generall. The first setting up of the Discipline of the Church of England was indeed as a novelty at first desired and pretty well received but when they found the 40^c^ Tob. per poll was continued and their vicious practises by the principles of it and by the Government attempted to be restrained Then they grew into a dislike of it and to form partys against it many of them having never been christned nor careing that their children should be, and very few of the rest ever coming to the sacrament tho' they never professed themselves to be of another perswasion but ready to find any fault with their ministers and to divulge their failings. In like manner they were as well pleased with the Government but when their illegall Trade was questioned and a stop put to their other uniust practices and justice speedily and impartially executed they flew off and return'd to their old licentiousness, hoping by their numbers to escape punishment for their faults and to put in practice again their delatory way of

B. M. Vol. 25. proceedings; for the laws being put in execution by severall Proclamations the officers of Justice were discountenanced in doing such things as were formerly practised, nor suffer'd to make the corruption of their offices subservient to their designs in causing sutors to attend them in inconvenient places at their pleasure their offices being turn'd to serve their private intrest rather than the public good which suffer'd extreamly by delay of Justice to the partys. The Case of the Atturnys is fit to be Represented with the high inconveniencys following if they may not be suspended from their practise as the Governour shall see reason and punisht for their misdemeanors and ill practices against the Government some of them being the great incendiaries in the house of Delegates pretending by opinions in Law to mislead their fellow members and actually tyrannizing over those their Clyents whose affairs they knavishly and ignorantly manage severall of them who have served their time at the Hoe setting up to be lawyers and pretending to be patrons of the People's libertys and propertys without any other qualification then stout drinking and noisy Impudence.

Memorandums for Pensilvania.

That all the papers concerning Day the privateer taken by Captain Daniel were sent home to the Lords Commissioners for Trade to the Lords of the Treasury and to the Com^n^ of the Custom house last year in a Book sticht. That his Ex^cy^ hath now severall complaints from Masters and Merchants of seamen and servants run away. The Copy of their Petition is sent about the Country.

The Petition of the Masters to Captain Wager Commodore was sent home last year as Day's papers were. The second representation in th^t^ Petition was: the great disappointment most of us have met with since our arrivall by sickness mortality and the running away of our men thro' the great encouragement given in Pensilvania and that Petition to Captain Wager was signed by the Justices of the Provincial Court by the Grand Jury and all the County Courts of the Province. Therefore that it be represented to their Lordships the Necessity of their taking care to prevent it.

Observation.

That his Excellency is much afraid that the shipps which lye up in the Bay towards Pensilvania will suffer much this summer by their seamen being enveagled away especially if

any privateer or Pyrate arrive there. If obiection be made to this practice it is desired that the masters and merchants which use this Country may be called and examined upon oath about it. That by Proclamation and orders of Council entred in the Journalls it will appear his Ex^cy^ hath taken all possible care to prevent that mischief but the Country being all open it is impossible wholly to prevent it. B. M. Vol. 25.

Maryland lyes under great inconveniencys by the Remissness of Government in Pensylvania, by their illegal Trade and by the Manufactures there set up with which in time they will supply the wants of that Province. Mr Edward Randolph hath been lately there and discovered some late illegall practices in point of Trade and hath sent home an account to the Comm^rs^ of the Custome house. As to their Civill Government all men know the partial and foul judgment of the quaker justices. The only way to be satisfy'd is to send over or to appoint Commissioners to examine into their frauds and abuses of all sorts.

All which will further appear by Mr Pens letter to his Excellency by seeing how industrious he is to suppress any informations given against his illegal practices. His Excellency thought it not expedient to answer Mr Pens letter or to hold any correspondence with him without your Lordships commands or direction which if he receive he doubts not but to give your Lordships full satisfaction. The threatning expressions in Mr Pens letter against Mr Randolph are remarkable And what he sais about procuring for Coll. Fletcher the Government of Maryland as in Coll. Bayard's letter. By all which it appears the design he has to advance the reputation of his interest in England by pretending to remove Governors and frighten inferiors into obedience unto himself by deterring them to give any accounts of his proceedings. And his Ex^cy^ doubts not but that he will use all his interest to remove him for his endeavors to promote the churches and schools, and to oppose the illegality of his Trade, his harboring Pyrates and entertaining runaway servants and managing the Trade of Maryland both lawfull and unlawfull, which that he might hinder his Ex^cy^ hath put them under restrictions by obliging their Traders to come to Annapolis and Williamstadt. These Traders from Pensilvania pay nothing to the support of the Government nor are of any use or defence unto it being of the nature of Scotch Pedlars. In fine his Ex^cy^ takes his Ma^tys^ and Mr Pens interest to be as opposite as the French Trade hath been formerly to that of England. If Mr Pen should obiect that there is or can be no inland Trade from Pensilvania to Maryland, it is observed that there are two or

B. M. Vol. 25 three passages, one from the head of Bohemia River to Apoquiminii which is but 3 miles from whence by sledds from boates they bring all manner of merchandice and run our tobacco from hence. There is one other passage from the head of Elk river to Newcastle of 16 miles beside other roads from the lower parts of our country towards theirs.

Memorandum: That an adkiress was made to the Lords Comm^rs last year about the divisionall line to be setled. The Inhabitants of the two Provinces now seating themselves every year nearer the one to the other so that there is a necessity to have this done.

His Ex^cy desires that if Mr Pen or any other person have anything to object to him that they may put the same in writing, sign it and give security to prosecute the accusation that he may have his legal remedy against them if they fail to make it good. And that in such case he may have leave to come over sea and vindicate himself. And all his Ex^cys friends are desired not to concern themselves about any such reports but only assist him in obtaining such leave for him, which if it be not to be done without quitting the Government he had rather quit that then the Vindication of his Repute and Innocence.

Memorand: That Mr Pepys now a passinger from Pensilvania be called to give an account of their illegall management before he be taken off by Mr Pen as was Mr Jones

Memorand: That upon representing his Ma^tys intrest in these Colonys by securing the River Ohio spirito santo or Mesachippi it now appears by Father Hannapins account and the monthly mercury of Jan. last that there was reason [for] it tho' a certain person ridicul'd it because was not concern'd in representing it. It now appears that there is a necessity to consider how to prevent the French king's design which apparently tends to compass us in round and to lay an Ambush behind all the Kings Colonys on the Continent of America. It seems that the French Kings design can only be obviated either by open force or by sending directions to all his Ma^tys Governours in these plantations to carry on a Trade with the Indians westward on this Continent to the same places and Indians on the Lakes; not that the King be put to charge but that he be pleased to give encouragement to such as shall open a free trade with them, but still under instructions only from his Ma^ty to such company or companys of undertakers as shall be form'd in his Governments, and to make the trade free and easy by his charters.

Mem: Since their Lordships were satisfyed from his Ex^{cys} accounts given them that the discouraging manufactures here was the intrest of England. Quer: whether they ever saw the rest of that Memoriall containing many other advertisements of like nature. And quere what became of that Memoriall and how it came to pass that it was sent entire to the merchants or whether quer. brought back to the Lords or the King. B. M. Vol. 25.

Idem the inconveniencys of imparting anything but what only concerns such persons concern'd.

[Deserting Seamen.]

To his Ex^{ncy} Francis Nicholson esq^{r} Capt Gen^{ll} & Govr in Chief in & over his Maj^{ty} Province of Maryland & Teretories thereto belonging & Vice Admir^{ll} of the same

The humble Address & Representacon of the sever^{ll} M^{rs} & Command^{rs} of Vessells whose names are hereunto subscribed

May itt please yor Ex^{ncy}

Since you have been pleased to require us to lay before you some proposall by w^{t} means the great & growing Evill wch dayly happens by seamen deserting their service & Vessels (to the great prejudice of his Maj^{ties} service & manifest discouragem^{t} of Trade) may be prevented

Wee give yor Ex^{ncy} hearty thanks for yor great Care & good Intentions therein & humbly beg lieve to address yor Ex^{ncy} that you will be favourably pleased to lay o^{r} following proposall before the next Assembly, vizt.

That a Law of this Country may be made Imposing a severe Penalty on such persons as shall entertain any deserting Seamen & that there may be a reward of fifty shill. allow'd out of such Seamens Wages to any person that shall take up & secure them to be paid upon Certificate under a Commiss^{rs} hand which said Certificate & Receipt from the party securing them may be by the said law declared to be in sufficient barr of the claime of any such Seamens wages.

And that at the present we humbly entreat yor Ex^{ncy} to Issue yor Proclamacion assuring any person securing deserting Seamen of a Reward of fifty shillings ster^{ll} wch wee are willing to pay upon receiving them.

Wee doe further Represent to yor Ex^{ncy} that we are sencible our deserting saylers generally resort to the Governm^{t} of Pensilvania where they are not only Connived & winked att but are much encouraged with the specious promises of Excessive wages & being preferr'd to be Masters & Mates of

B.M. Vol. 25. smale Craft there. Also we believe that be reason of the Privateers that come into that Goverm^t that gives occasion to their deserting here hopeing great Matters by such Employment.

Nicholas Smith	Nath. Davis
William Cooper	Giles Wiggens
Joseph Collman	Jno Cotterrell
Nich. Humphrey	Nicholas Lydstone
Hen. Munday	Peter Reeve
Sam^ll Phillips	Deane Cock
Jno Brown Junr	

Ver. Cop. Ex. per Original
W. Bladen Cl. Concil.

[R. Snead to Gov. Nicholson.]

Philadelphia. May the 6th 1698.

S^r,

I received yor Hono^rs by Edward Randolph esq. who I have been at New York, and have sent home Agrievances under the Seal of Yorke to Sr Ben. Bathurst & coppys to some of the Lords Commission^rs I have received a letter from Coll. Quarry by which I find Mr Penn has found a way to make him his friend. I understand he has help't him to most of Charles Saunders business; intrest blinds most men; he gives me to understand that Mr Penn's intrest is so great as if the King writes to him particularly from Flanders and satisfyes him of his proceedings there, as if he were of his Privy Councill. I suppose it is on purpose to make us desist from making our Cases known at home. I would have sent yor Hono^r a copy of his letter, but Mr Randolph has put me in hopes of seeing you this way. S^r, when at York I was to waite on Coll. Fletcher who told me th^t Mr Penn had writt to him to linger or hover (I know not w^ch) about these parts for some little time and he doubted not but gett him the Government of Maryland. If his intrest at Court be as he pretends I wish I were out of his Governm^t, here is no living for any th^t are not Quakers without it be altered, we had better live under the French King. I would gladly sell my Intrest for half the worth then stay if it Continues.

I pray God protect yor Hon^r you having him on your side need fear no Penns th^t can spake or write against you. S^r I have little news to acquaint yor Ex^ncy with, my Lord Bellemount has caus'd Coll. Fletcher to give security for his answering to such matters as should be objected ag^t him at

home my Lord is very much of Licely's side, wch makes great Heart burning on the other side, wch makes things that were almost forgot revived. Praying yor Hon^r^ to pardon the trouble of these long Scrole from yor Ex^ncys^ most B. M. Vol. 25.

humble & most faithfull
Obedeint Servt
Rob. Snead.

A true copy
[signed:] Fr. Nicholson.

[Robert Quary, Judge of the Admiralty Court to the Board of trade.] P. R. O. B. T. 26.

Capt. Kidd is come into this Bay, he hath been here about ten days, he sends his boat ashore to the Hore Kills in this Government, where he is supplyed wth what he wants, and the people frequently go on board him, he is in a sloop with about 40 men, with a vast treasure. I hope the Express wch I sent to his Excellency, Govr Nicholson will be time enough to send about the man of Warr to come up with Kidd.

[Philadelphia, July 6, 1699.]

There are a parcell of Old Pirates that are settled at a place in this Government called the Hore Kills just by the Capes, so that when any Pirates come near this Bay, they send their Boats ashore to this place where they have intelligence and are supplyed by these Men. Whilst Capt. Kidd was in this Bay he sent his Boat ashore every day, and was supplyed, and these men went constantly on board him and brought ashore with them great Quantities of East India goods. The whole intreague of this roguery hath all lately discovered.

[Philadelphia, Apl. 10, 1700.]

[Pennsylvanians to Board of Trade. Charges against Quakers.] B. M. Vol. 25.

[1697/8, 26 March.]

To the R^t^ Honble the Lords Commission^rs^ for Trade and Foreign Plantations.

The humble Remonstrance of his Maj^ties^ most Loyall Subjects of his Maj^ties^ Province of Pensilvania.

May it please yor Lordshipps

Though the people called Quakers seem both by Law and reason disabled to exercise Magistracy or to Officiate in any

B. M. Vol. 25. Publick Capacity in the Governm^t or enjoy any there in legislative powers, yet our Publick Assemblys Courts of Judicature & all publick offices and places of proffitt & trust are chiefly fil'd & Possessed by this Sort of Men, wch bring the unhappy cause of Endless Grievances, under the heavy burden whereof wee have been long crushed and do still groan, Have therefore presumed humbly to Implore yor Lordshipps mediation with his Maj^tie for a Redress & to propose to yor Lordships Consideration this most humble Remonstrance,

By the late Act of Parliam^t anno 7mo & 8vo Gulielmi tertii Regis entitled An Act for the solemn affirmation & declaration of the People called Quakers and it is provided & declared that noe Quaker or Reputed Quaker shall be qualified or permitted to give evidence in any Criminall Causes or Serve in any Juries or bear any office or place of proffit in the Governm^t wch wee humbly conceive (tho' our opinion therein is overruled by the Quakers in their Courts) to be in force here as all other Acts of Parliam^t are, except what are Locall, such a Law being of absolute necessity for the Preservation of his Maj^ties subjects in this Province & to rescue them from the many hardships & pressures wch overwhelm them under the present administration of Quakers.

When they enter upon Magistracy they refuse either by the oath wch the Law has prescribed or any other to engage for their faithfull loyall and upright administration in their Respective Posts & trusts, and are soe farr from answering the Law in th^t point, as alsoe those that are admitted upon Juries to pass upon Mens Lives Liberties & estates, that they refuse to take the very affirmation prescribed in the above recited Act, and use only in all Cases where the Law has appointed an Oath, a Certaine form of words wch they call an Attestation & not containing the holy name of God, Affirm that it is noe Oath nor is esteemed or taken by them as such soe th^t wee have neither Juries nor any Legall Judges or Justices for the Tryall of our Lives Liberties & properties, & are consequently deprived of the most Eminent Priviledge enjoyed now by th^t English nation, a Priviledge that ought to be prized by all sober English men as their best Inheritance, and is therefore a more wounding aggrievance for that we are sensible these men could never dare to be guilty of such gross perversion & Corruption of Justice as is Commonly Practised by them in these parts, were they Restrained by the Dread of an Oath.

Nor doe their Representatives at the opening of their Gen^ll Assemblies nor their Magistrates upon their Admission to th^t publick trust either by their Subscriptions to the Association or any other legal test assert their Loyalty & approve themselves by such an engagement to be well affected to his Maj^ties

person & Governm^{t} tho' both Law & reason and the Common practise of England and all other nations Require such solemn Credentialls from all persons upon their Promotion to a publick Station. B. M. Vol. 25.

The Principles they maintaine doe militate against the very end & essentialls of Governm^{t} wch is the Protection of the People in all their just Interests, and the bringing of those to condign Punishm^{t} that shall invade them. Soe they overpowering us with the Votes in our publick Assemblies, noe Bills can pass for the forming of a Millitia Levying of forces &c^{a} for the defence of the Country or for the Collecting and Sending of any Assistance or Quotas for the common defence of Frontiers or the Raiseing of Moneys to answer any such exigenccs of Governm^{t} And for such their proceedings alleadge th^{t} it is unlawful that men should be hyred to fight or that the Sword should bee drawne or made use of in any case whatsoever by wch meanes the County Lyes naked & defensless & exposed to be ruin'd & made a Prey of by any Enemy that shall first invade it.

Their partiality in the Publick administration of Justice is soe notorious th^{t} the Quakers Justice is become a proverb in these parts of the world wch natureally flowes from th^{t} greate Odium & Aversion wch they entertain against all Christian professions & Communities styling all out the Pale of their own Faction, People of the World, & themselves the Lords People, hence it is that the People of the World as they call them are seldom regarded for the meritt of their cause in their Courts of Judicature when they stand in Competition with any of their Party. The notorious Instances that might bee collected of their injustice Violence & Oppression would swell a large vollume but Wee shall not presume upon a Larger Narrative on th^{t} subject least wee should too much trespass upon yor Lordshipps patience then the Recitall of three:

About eighteen moneths agoe out of a deep Sense of our unhappy Circumstances many of us did signe to such a Remonstrance as wee here present yor Lordships which tho' addressed to his Maj^{tie}, & purporting only a candid recitall of our Agrievances & our humble suit to his Maj^{tie} for a Remedy, was suppressed by the Quakers some of the Subscribers being imprisoned by them, others Terrifyed with grievous threats, under a pretence that such a Petition was an Arraigning of the Governm^{t} & against the Laws of it, By that Violence Robbing us of another inestimable Priviledge the R^{t} of Petitioning.

The next is a late instance of their Illegal & unjust Cruelty Practised upon the Person of one Mary Hunt the wife of Jeremiah Hunt late of Jamaica & now an Inhabitant in Philadel-

B. M. Vol. 25. phia. This unhappy woman was Indicted in the last Court of Quarter Sessions held at Philadelphia for the County thereof the of March 1696/7 of Carnall Actions with a young Man a Batchelor th^t^ sojourned in the Neighbourhood. Then appeared but one Evidence against her, a woman of an infamous life th^t^ had Run from her husband at Boston and was known to bear ill-will to the person shee thus Impeached. And though there was but one single Evidence, & th^t^ one not qualified according to Law (wch in all cases requires credible witnesses) nor anything deposed by that Evidence upon Oath or viva voce as the Law has provided, but out of a paper extracted from an obscure illegall examination taken in private by a Quaker Justice, where the person accused was not suffered to be present or indeed to have any knowledge of it, wch when read in Court could neither be Repealed nor yet heartily owned the deponent then & there present & tho' likewise th^t^ paper deposition did not amount to the Prooving of the Charge but only sett foorth some indecent familiarities. Yet notwithstanding all these Circumstances & the manifest insufficiency & defect of the proof they found this poor woman guilty and sentenced her to be whipt with one & twenty Lashes on her naked flesh tho' her husband declared shee had alwaies been to him an Industrious & Faithfull wife & of so spotless a conversation th^t^ her vertue was never suspected or called in question since they were married before th^t^ time & offered to pay Twenty pounds to Redeem her from the Execution of th^t^ sharp Punishm^t^ & disgracefull Sentence, wch is double the fine their own Law has appointed to be inflicted even in such cases were the crime of Adultery is clearly proved. And thus their Zeal prompts them to handle one of the world.

But they could not find a freedom in their spirrits to treat Robert an Ancient Friend & preacher among them after th^t^ Rate tho' Convicted at the same Sessions by manifest proof & undeniable Evidence of Carnall dealings & Veneriall Commerce with the wife of one Robt Webb so his matter was managed thus: The Bill being found by the Grand Jury, a Constable was ordered to bring him into Court, upon th^t^ two of the most eminent Quaker Justices left the Bench & hastened to the house of their friend Robt where having first discharged the Constable they enter upon a serious Consultation concerning the managem^t^ of their friends case by such proper Methods as might least sully his Hono^r^ or fix any stain upon him, wch being concerted they return into Court after a smal time their friend Robt follows without the attendance of any officer wch was contrived in tenderness to his reputation having made his appearance they acquaint him with the

Bill th^t^ was found against him by the Grand Jury and demand of him whether he will Traverse or committ himselfe to the discretion of the Bench. Robert in pursuance (as may reasonably be presumed) of those measures resolved upon at his house leaves himself to the Bench & then presently withdrew out of Court soe th^t^ the Bench Considering th^t^ Robert was a Friend one of the Lords People & in the truth & alsoe remembering th^t^ he was a minister of their Gospell & his faithfull service and labours performed therein for the benefitt of Friends & waving that formerly by the Pregnancy of the Proof & the Conviction of his Conscience hee had Confessed th^t^ hee had been Guilty of folly with Mary Webb but not of wickedness upon these and such like considerations suggested not by the reasonings of carnall wisdom but by the powerful moovings & breathings of the Spirritt and Life in the Inward parts, they gave it for godly & Righteous Judgm^t^ th^t^ further penalty or blemish should not be put upon this good man than a small fine of fourty shillings. B. M. Vol. 25.

But tho' this Rehearsall of the Inducements wch prevailed with those Quaker Justices to give their Friend such a fair Quarter may seem to be fictitious and put in that canting dress with designe to render those men ridiculous to yor Lordships yet tis certainly a faithful instance & description of th^t^ frenzy wch actuates this sort of Men and hath given Life to a long series of such despoticall & unaccountable Actions in these parts of the world as would surpass the Credditt of any Relation and is the only defence they could honestly make, were it required of them, for their Barbarous Partiality in the Two above recited Cases & infinite others but it is now time th^t^ wee proceed to the third Instance wch in short was thus:

One John Moon a preacher alsoe of Eminent Rank amongst the Quakers got his Servt maid with child Moon own'd both the fact & the Bastard & put soe good a Countenance upon th^t^ action th^t^ he would often Jeast & be very pleasant upon th^t^ subject. Near that time a young man not married his name was committed a like Crime upon the body of a young woman who was likewise Single but tho' their Crimes were the Same, abstracting from Moon's circumstances wch did greatly aggravate & make the Offence more heinious in him he being an Antie[nt] man & a Preacher yet their Punishm^ts^ were not soe for Moon was Complemen[ted] rather than Punished with the Imposition of a smal fine for form sake only w^ch^ 'tis said was never exacted But the poor young man being one of the world could find noe such treatment nor escape their hands without a Bloody back whose Condemnation was to be tyed to a Carts-tayle & whipt upon his naked Flesh as he was dragged in that Posture through severall

B. M. Vol. 25. Streets he offered to Pa[y] the fine appointed by the law but noe Supplications or Sollicitations he could Imply by himself or friends could Impetrate or prevaile with his inexorable Judges for soe reasonable a favour. And at the same Rate is Justice distributed to us by these men in Civil Causes alsoe insomuch th^t wee know not what wee may call our own All the Laws & Priviledges enjoyed by the Subject of England tho' the most Just the most equal and ample in world not being a Sufficient Guard to Secure our Persons Liberties & properties here against the Arbitrary Violence of these despoticall men. Wee have not been sollicitous to procure many hands to this Remonstrance from the difficulties th^t did arise, partly by the Remoteness of Some of the pusilaminity of others who are doubtful of the Issue & the great dread th^t many have Conceived of their rigid & Implacable Mast^rs should it happen to be frustrated of Success but chiefly from a perfect assurance that the Reasonableness thereof will be more prevalent with yor Lordshipps than any number of Subscriptions on wch Account wee doe humbly confide that yor Lordshipps from a Serious Consideration of the Premises will think fitt to conclude that such men as have Imbib'd this frenzy of Quakerism are in noe wise Quallifyed to give Laws to a Country or to be Entrusted with Magistracy or the execution of his Maj^ties laws or the Lives Liberties & Estates of his Maj^ties subjects, espetially since the Province is furnished with a number of men sufficient to serve his Maj^tie in all the Posts of the Governm^t and to answer all publick Occasions therein Quallifyed according to Law who contrarily doe look upon it as their Incumbent duty by the Principles of True Christianity to stand upon all occasions & in all exigences in the defence of their Prince & Country with the uttmost hazards of their Lives & Estates And wee doe hope alsoe and humbly Request that yor Lordshipps from the same consideration will please to Espouse the Justice of our Cause & become our Advocate with his Maj^tie th^t such men may be declared unquallified & disabled to have any share anywhere in Governm^t either Executive or Legislative, by wch act the Aggrievances of his Maj^ties most Loyall Subjects in these parts will be effectually Redressed & the Governm^t here Established upon a legall & solid basis. Thus wishing yor Lordshipps increase of glory in this & an Immortall State wee most humbly begg Leave to Subscribe

May it please yor Lordsh^pps
Yo^r Lordsh^pps most humble
& most obedient Serv^ts

Dated at Philadelphia
March the 26th 1697

This is a Copy of what was sent to
[signed:] Fr. Nicholson.

P. R. O.
B. T. Md. 3.

Ships built in Maryland.

Maryland, Sct.

In obedience to an Ordr of his Excy the Govr and Council bearing date the 28th day of May 1697, Commanding the severll Sheriffs of this Province to make strict enquiry of what Shipps and Vessels trading to Sea have been built within their respective Countys since his Majtys happy Reign, as also what Sloops and Shallops to the County belong, and what are now a building, together with the number of seafaring men. Pursuant whereto they make their Returns, vizt.:

The Sheriff of Ann arundll County.

The Brigantine George, built by Jno. Buck of Bytheford.

The Annapolis, built by Jno. Buck of Bytheford

The Ship Marygold, built by Jno. Davis of Bytheford

The Betty Brigantine purchased into this County by his Excy the Govr etc. Capt. Richard Hill, Capt. Wm. Holland, Capt. Richard Hill for Mr. Richard Johns, Mr. Wm. Cole, Senr, Mr. Saml Chew, Mr. Richard Harrison, Mr. Nehemia Birckhead, Mr. Mordica Moore, and Commanded by Mr. Hen Hill.

The Adventure, purchased and owned by the same owners and commanded by Mr. Thomas ffrancis.

The Susannah Brigantine, built by Richard Beard, Commanded by Edwd Balter, bound to New England and lost att Cape May three years since.

One Brigandyne in building by Mr. Jno. Buck of Bytheford

One Vessel in Building by Thomas Hardin, Jno. Baldwin, Neal Clarke, Tho. Rutland, Richd Snowden and some others who expect to be fitted to Sea by the Spring and design for Barbadoes. Comanded by Tho. Goodwin, have shippt no men yet. In all, 8 Sloops built within this County.

Abrm Childs built one Sloop, wch was lost in the Bay 3 or 4 years since.

Thomas Tench Esqr 1 Sloope	Nicho. Spurne 1 Sloope
Mordicah Moore 1 Sloope	Steph. ffrancis 1 Sloope
Abrm Childs 1 Sloope	

Mr. Jeffries built 1 sloope and sold her to Thomas Beale and Richd Bars last year. Major John Hamond partly built a sloop and sold her on the stocks to Capt. Deane Cock last year.

Shallops belonging to this County

Samuel Chambers	1	Joshua Merricken	1
Gabriel Parrott	1	James Collins	1
David Macklefist	2	Richd Kilbourne	1

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Humph. Jervis	1	Marny Deveran	1
Jno. Baldwin	1	Maj^{r} Jno. Hamond	1

In all 11

Seafaring men borne and belonging to this Co^{y}

Capt. R^{d} Hill Jr
Henry Hill } Commanders
Tho. Francis

Benj. Burgess } sons to
Charles Burgess } Col. Wm. Burgess
Edwd Dorsey, son of Capt. Jno. Dorsey
Joshua Dorsey } sons to
Sam^{ll} Dorsey } Maj. Edwd. Dorsey
Thomas Knighton, son of Thos. Knighton
Nathan Smith, son of Nathan Smith
} Apprentices

The Sheriff of Calvert Co^{ty}

Esq. Plater, a shallop	1	Co^{ll} Henry Mitchell, a shallop	1
Wm. Pollard, a sloop	1	Co^{ll} Jno. Bigger, a shallop	1
Saml Holdswort, 2 sloops,	2	Wm. Fields, a sloop	1
Mrs. Ashcom, 2 sloops }	3	Richd Keen, a sloop	1
ditto 1 shallop }		Mr. Walter Smith, a sloop	1

In all 12 Sloops and Shallops, and no Seafaring men to be found belonging to any of the sd Sloops or Shallops

The Sheriff of Prince George Co^{y}

Mr. John Brown is now building two sloops.

Mr. Thomas Hollyday hath now on the Stocks one Brigantine

Mr. David Small hath also one sloop belonging to Capt Thomas Ennis.

Seafaring men

Mr. Tho. Hollyday Willm Boys and Robt Boys.

The Sheriff of Baltimore County

Mr. Edward Boothby, 1 shallop
John Ferry, 1 shallop
Benjn Wells, 1 shallop, and no vessel as yet built here

The Sheriff of Charles County

No Ships or Vessels trading to Sea built here.

P. R. O.
M. T. Md. 3.

Sloops and Shallops

Maj^{r} Wm. Dent's sloop about 18 or 20 Hhds.
Mr. John Stone, 1 shallop, about 16 or 18 Hhds.
Mr. Philip Lyne, 1 sloop about 36 or 40 Hhds.
Mr. John Bayne, 1 shallop about 14 or 16 Hhds.
Co^{ll} John Coats, 1 shallop about 16 or 18 Hhds.
Madam Diggs, 1 sloop about 45 or 50 Hhds.
Mr. James Neale, 1 shallop, about 18 or 20 Hhds.
Mr. Saml Luckett, 1 shallop about 12 or 14 Hhds.
In all, 8

Mr. Jno. Thomas Jno. Harris belonging to Mr. Lyne Joseph Leving in Wm. and Mary parrish ffra. Sheffield in do. parrish Wm. Pontingall in Nanjemy parrish	Seafaring men In all 5

May the 4th 1698

This is a true Extract of the Severall Sheriffs Returns
W. Bladen, Clk. Counc^{ll}

The Sheriff of St. Maries County

Mr Jacob Mowland	1 sloop
Co^{l} Henry Lowe	1 sloop
Adam bell	1 sloop and 1 shallop
Edwd Parsons	1 shallop and 1 sloop building
Jno. Savadge	1 shallop

Maj^{rs} John Lowe built 1 ship called the Planter now belonging to Liverpool, he hath 3 ships and 1 shallop

Rob$_{t}$ Mason	1 sloope
Edwd Hilliard	1 sloope

A list of men th^{t} goe by water when employ'd:—

Jeaffrey J^{no}son	Tho: Hebb
Edwd Hilliard	Edwd Kelsy
R^{d} Shovebottom	E^{d} Parsons
Jno Savage	Ch^{s} Bonak
Richd Sherly	Richd Hortrop.

A List of such Vessells trading to sea as have been built in Somers^{t} County since his Maj^{ties} happy gov^{t} here as also what are building together wth what Sloops and Shallops to the said County belonging, taken by virtue of his Ex^{cy} the Govr etc. their order bearing date the 28 day of May anno dom 1697

P. R. O.
M. T. Md. 3.

Vessells built.		Vessels building
Stephen Dorsey, two	2	1 belonging to Capt. Wm. Pipes
Liven Denwood, one		

Sloops	Shallops	To whom they belong
3	1	Liven Denwood
	1	Wm. Whittington
2		Wm. White
	1	Wm Smith
1		Mr. James and Wm. Roord
	1	John Kirk
1		Aftrodosia Johnson
1		Hu. and Nath. Horsey
1		Thom[s] Dixon
1		Tho[s] Everenden
1		Rich[d] and John Waters
	1	Sam[ll] Handy
	1	Alex[r] Xyle
	1	Pet[r] Elsey
	1	Tho[s] Jones
	1	Col. Browne
1		Madam King
	1	S[t] Col Winder
	1	M[r] James Murray
	1	Daniel Hart

Seafaring men I know of none but Th[o] Butler and Mic[a] Holland.

A List of Ships, Sloops, Shallops and Seafaring men belonging to Dors[t] County.

Col. Charles Hutchings Sloope ab[t] 30 hhds. burthen
Major Ennalls a Brigantine goes to Seas about 50 hhds. and another a building.
Wm. Stephens a Sloope about 4 hhds. under her deck
John Anderson a Sloope about 20 hhds.
John Gladstanes a shallope about 16 hhds.
Mr. Walter Campbell a sloope 24 hhds
Mr. Rog[r] Woolford a shallop about 12 hhds.
John Ellitt a sloope abt. 30 hhds.
Mr Alex[r] Fisher a sloope abt. 30 hhds.
Presidt. Smith a Brigantine went for England.
John Thompson a Shallope abt. 16 hhds.

Cæcill County

Capt. Wm. Hill	1 Brigantine
Mr. Wm. Harris	1 shallope
Esqr Frisby	1 shallope

Capt. Thos Robinson 1 shallope
The Family of the Lappadees [Labadists] 1 shallope
Madam Harman one large sloop and one shallop
Thos Kelton one shallope

P. R. O.
M. T. Md. 3.

Kent County etc. 1697

A List of Ships and other Vessells lately built and now a building as also of wt sloopes and Shallops withn the said County.

The Torrington Loyalty built at the Towne of New Yarmouth by Jon. Olliver burthen 200 hhds or thereabout loaded att the port of Annapolis, belonging to the towne of Torrington in the county of Devon. Gone to Europe

A Brigantine belonging to Robt Smith esqr built in Choptank and brought hither to be finished, burthen 60 hhds or thereabout, Gone to Europe.

A Ship in the Stocks belonging to the sd Esqr Smith, burthen 500 hhds, or thereabouts.

A Stock of the said Esqr Smiths, burthen 30 hhds, or thereabouts.

A Deck Sloope of Capt. James Smiths, 35 hhds.

A sloop of Andrew Tonnards, 40 hhds.

A Deck Sloope of Capt. John Hawkinses, 60 hdds.

A Shallope of Mr. Michael Millers 10 hhds.

The Ship Factor of Cediford built by Mr. Geofry power, burthen 500 hhds or thereabouts, now riding in Chestr Rivr bound for Europe

The Sloop Assistance built by the sd Power now Rideing in the freshes of Chester Rivr

A Ship on the Stox a building for Mr. Jeophry Power, burthen 200 hhd or thereabouts, wch by gods assistence will be launched in 6 weeks time.

Of Seamen wthin the sd County

Sailors belonging to the Factor of Bediford: John Yeo, Master; Thos Black and Edwd Collins, mates; John Gunion, Simon Heath, John Bathead, John Glannitt, Arthur Say, Geo: Cole, John Murrow, James Betty, Thos Tucker, Saml Glear, George Owen, Tho. Stevens, carpenter, Philm Piles.

Carpenters and Sailors belonging to Mr. Powers ship in the stocks:

Danll Haynes, Wm. Miles, Christopr Reveclipp, Peter Jones, Nicho. Frand, Henry Laudmer, Jon. Wilcock, Walter Clagg.

P. R. O.
M. T. Md. 3.

Sailors belonging to the Loves Increase of Whitehaven:
Francis Grindal, Mast^{r} David Davis and Henry Cragg, mates, John Osthmotherly, Wm. Askew, John Roddry, Giles browne, Joseph Woods, Jon^{a} Hodgson, Wm. Walker, Phines Boyes.

A List of Vessels etc. in Talbot County.

A pink now belonging to Capt. Sutton, built at Kingstowne by Robt Graison, about 300 hhds. burthen.

Another about the same burthen built at Great Choptank, belonging to Wm. Dickyson and Robt Graison

Another built at Island Creek by Solo^{n} Sumers for Capt. miller about 400 Tonn

Another built in Miles Riv^{r} by Robt Graison for himself and R. Bennet and others, ab^{t} 120 Tuns

Another built in Island Creek by S. Sumers for Capt ab^{t} 70 Ton

Another built in the Island Creek by And^{w} Tonnard and Wm. Sharpe for the said Sharpe about 50 Tonn

A Brigantine

Another Brigantine built at Ralph Fishbournes about 40 Ton for himselfe

A Sloope built by Andrew Tonnard at Porridge Creek, burthen about 40 Tons, sold to Co^{l} Sayers

Another built by the s^{d} Tonnard and sold to Nicho. Lowe about 40 Tons

Another built by George Ferguson at Wm. Stephenses in the dividing Creek about 35 Tons for the s^{d} Stephens

Another Sloop built by the s^{d} Ferguson in Tridhaven Creek for Edwd Pollard about 40 hhds. burthen

Another built by the same man in the same Creek for Tho. Skillinton about 40 hhds

Another Sloope built by Wm. Whitaker in Tridhaven Creek for Nicho. Lowe about 40 hhds

Another Shallop of Tho. Skillingtons 25 hhds

Another Sloope built by And^{w} Tonnard and sold to Robt Grundy about 40 Tons

Another Sloope built in Chester Riv^{r} for Capt. James Smith about the burthen of 40 hhds.

Another of Wm. Sharpes 25 hhds.

A Shallop sold to Nicho. Lowe of 16 hhds.

A Shallop of James Berryes of 16 hhds.

A Shallop of Mr. Berrys of abt. 20 hhds.

A Shallop of Wm. Aldernes of 12 hhds.

A Sloop of Andrew Tonnards of 40 hhds.

A Sloop built for Capt. Murphey of 4 hhds

Another for Daniel Sherwood of 70 hhds P. R. O.
A Sloop of Wm. Sharpes of ab^{t} 45 Tons M. T. Md. 3.
One of Obadiah Judkins about 60 hhds.
One of John Hankinses of abt. 60 hhds
A Ship of about 300 Tons on the stocks in Island Creek by Saml Summ^{rs} for Capt Millar
Another Ship about 300 hhds. at Ralph Fishbournes
Another at Island Creek belonging to Capt. Elisher James, ab^{t} 300 Tons.
Another Ship on the Stocks at Tho. Skillingtons in Tridhaven Creek belonging to English owners, ab^{t} 450 Tons
Another building at Wm. Sharpes for himselfe about 90 Tons
A Sloop on the Stox att Wm. Dicksons for himself ab^{t} 45 Tons.
Another of Nicho. Lowes ready to launch of 40 Ton
Another building att Sol. Sum^{rs} for Capt. Miller ab^{t} 45 Tons
A Sloope on the Stox at Jeremiah Hookes for Jeremiah Simpson ab^{t} 40 hhds.
A Shallop at Jno. Salters ab^{t} 30 hhds. belonging to him
Another ab^{t} the same burthen belonging to Jon. Lowe.

Seafaring men, viz.:

Owen Silviant, Hugh Spondines, Henry Jackson, James Dynam, Jere^{h} Simpson and David Mills.

True Extract of the sev^{r}all Sheriffs Returns
W. Bladen, Clk Concil.

Letter of Benedict Leonard Calvert C. P.
to the Lord Proprietary. p. 1

Dear Brother.

By Cap^{tn} Russell in August Last, I wrote to you, and gave you some Account of our Assembly Proceedings in the Preceeding month, and sent you also the Printed Votes of the session; I now send you the Journall of the Upperhouse, the perusall whereof, with the said Printed Votes, will Sufficiently inform you of the particular matters, therein Debated; with the mode and Circumstances of their final Issue

I think I have little to Add, by way of Supplement to my Observations on those particulars, in my last letter, Except in one Instance, which the Votes or Journall may not fully apprize you of

You will find a Bill for the Emission of a Paper Currency passed the Lower House, long Debated and much amended in the Upper House, and at last upon the Amendments p. 2

C. P. proposed, rejected by the Lower House. It were Needless as well as tedious, to trouble you with the Grounds or reasons for those Amendments insisted on by the Upper House and rejected by the Lower; since it would of Necessity lead me into the Detail of the Country affairs in Generall, as well in relation to the Publick as to the private Interests thereof, in Various matters of trade and property, the which not being necessary for the present I shall omit. I shall only therefore observe to you, on the first Amendment proposed, and which I Insisted on as a Sine qua non, to the Bill Viz. the s^d^ Act not to take place untill your pleasure therein should be known; This being the Leading Amendment proposed and known to be insisted on, over set the whole Bill, for while a set of people in the Lower House, were disputing, or rather Denying your right to Dissent to Laws, you may Easily imagine they would not in the Eyes of their Deluded followers, so far weaken their pretention, as to admit of this Clause, which must appear a tacite Confessione of the same right they had pretended to Oppose.

p. 3 The reasons which Induced me, to insist on this Amendm^t^ arose; First from the Consideration of the great importance of the Act proposed, an Importance Indeed I thought too great to be Suddenly Carried into Execution upon the hasty, or Even most Considerate resolutions of as weak Legislators

Money, or somewhat to answer its Current Effects in trade, is certainly much wanted here; wee may Barter between one Another our Staple Tobacco, but to Carry on and Inlarge our trade Abroad & to Invite Artificers, Shipwrights &c to Settle amongst us, another Species of Currency in payments, seems very desirable; New York, Pennsylvania &c are vastly improved in foreign Trade, as well as home Manufactures, by a Paper Currency; it is that, in lieu of Specifick Coin, which seems, to give life, Expedition, and Ease to trade and Commerce this has drawn them into Communitys or Towns, they are daily growing more and more populous, and are supposed to Increase as proportionably in Credit and riches; In Virginia and Maryland, the Case is much

p. 4 otherwise; Tobacco, as our Staple, is our all, and Indeed leaves no room for anything Else; It requires the Attendance of all our hands, and Exacts their utmost labour, the whole year round; it requires us to abhorr Communitys or townships, since a Planter cannot Carry on his Affairs without Considerable Elbow room within his plantation; when All is done, and our Tobacco Sent home, it is perchance the most uncertain Commodity that Comes to Markett, and the management of it there, is of such a nature and method, that it seems to be of all other, most lyable and Subject to frauds, in prejudice

to the poor Planters; Tobacco Merchants, who deal in Con- C. P.
signments, get great Estates, run no risque, and Labour only
with the pen; The Planter can Scarce get a living, Runs all
the risques, attendant upon trade, both as to his Negroes and
Tobacco, and must work in Variety of Labour; I write not
this in malicious Envy to the merch^ts nor do I wish them less
Success in business but I heartily wish the Planters Lay was
better. When our Tobacco then is Sold at home whatever
is the produce of it, returns not to us in Money, But is either
converted into Apparell, Tools or other Conveniences of life, p. 5
or Else remains there, as it were Dead to us, for where the
Staple of a Country, upon forreign Sale, yields no return of
Money, to Circulate in such a Country, the want of such Cir-
culation must leave it almost Inanimate; it is like a Dead
Palsie on the publick, since it can never Exert its members or
faculties, in the pursuit of trade and Commerce; An increas-
ing Country and growing people as this is, and a Staple, at
best Uncertain, but of late visibly declining in Value, as To-
bacco is; incites the people here to look about and Enlarge
their foundation in trade, to the which money or Some Cur-
rency, which may answer the same uses, is necessary, and the
Expedient to such End, is a Paper Currency as proposed in
the Act; I herewith send you a Copy of the s^d Bill as it Came
up from the Lower House, the Votes and Journall will show
you the Amendm^ts proposed by the Upper House, with which,
the Bill would generally have pleased here; I should be Very
Glad to have the Bill Consider'd of in England and to know
y^r thoughts upon it, which would be Very Acceptable to many
here, For the people are impatient for some such kind of Re- p. 6
lief in their Circumstances and I Dare not Venture to pass
any such Law here without Even the Consent of the Crown,
for an Instruction of the Late Kings Dated the 31st of Aug:
1724

It seems to require that no Law of an unusuall or Extra-
ordinary nature should be passed here untill his Majesties
pleasure was therein known, whereunto referrence may easily
be had in Councill or Board of Trade Office; This was Indeed
the main reason, for my insisting on the first Amendm^t before
mentioned, for referring it, untill your pleasure should be
therein known, I was Confidant that would Answer the Royall
Instruction being secure, that you would never send in an
assent on your part, Untill you were Assured in form of the
Crowns; which by the s^d Instruction seemed previously neces-
sary; Having observed thus far on the s^d Bill, it is submitted
to your Consideration at Home, I am Utterly Incapable of
Advising in things of this nature, the beginning whereof is
obvious to the meanest Conception, the Consequences of it

C. P. in future can only be Guess'd at and provided for, by such as are more Conversant in matters of that nature.

p. 7 I shall now trouble you with a word or two, upon the General Situation of Affairs in Government, that I may receive your Advices and Instructions in the fullest manner; and I think by taking a View of the relation the people bear to you and you to them, in the points of Interest, I shall best Explain myself to you; You are the Proprietary of the soil, and as such, the people from time to time owe you and may be Compelled to pay you Rents and fines, You and they have for some Years past compounded for their Value another Way, The people grow Jealous, that you have too good a Bargain, You on the other side, have been I believe informed that the Amount of y^r Rent Roll exceeds vastly the Equivalent you Accept of; I must deal so Candidly, as to give my Opinion, that their seems Error in Computation on Both sides; It is Certain the people Could no ways so Easily, so insensibly pay their Rents as by this method now they are in; The Poor, and Orphans, scarce bear any Share in the present
p. 8 payments, The Husbandmen, from the Produce in Stock and Tillage pay nothing, which is a great Incouragement to Husbandry, so necessary and beneficial to a Young Country. In short] the traders who purchase Tobacco, bear the greatest Share from the Shoulders of the planter; and yet it is as nothing to such trader; For as Mr Bennett a great and knowing trader here observes, the trader gets as much for his goods as he Can, in Tobacco, having Allways the whip hand of the Planters necessitys for Cloaths and Tools, and when people are aiming at getting such Advances on their goods, as from 100 to 200 p^r Cent, the Value of 2^s p Hogshead Duty is scarce Calculated or even thought of. Thus in Generall is the Composition easy and almost Insensible to the people;

To you I think it of a like Nature, since first the payments are regular and good, with the least trouble so much money can be Collected with; I Do not believe your Rent Roll can amount to above 6000 p^r Ann, Which Could it be Collected great Defalcations must be allowed for Charges and Losses in the Collection; It would be allmost impracticable to get Bills of Exchange for a regular remittance of the produce, if they could be got, it Could not be Under less than 8 or
p. 9 10 p^r Cent premium The Philadelphians frequently are obliged to give near that premium for Bills, and the greater the Demand for Bills would grow, the Higher Premium would be Exacted; But alas, they Cannot be Collected, there is not money Enough here to be got to make regular payments from time to time, so that your Officers must, take Corn, Wheat, Beef, Pork, Tobacco or some Commod-

ity of the Country, the Conversion whereof into money, and C. P.
from money into Bills, must be a Vexatious, Expensive, and allmost an Endless an Insuperable task; I shall say no more at present, but pray for the Continuance of the Agreement.

The next Concern you and the people in point of money Interest are Engaged in, is the 15 pence for the Support of Government; The people are but too sensibly apprized, that that Support is in their own free Choice, to the which you Cannot Oblige them.

And Surely it is the greatest Advantage that can be had over a Government, and things can never go well in the plantations, whilst the Planters are so generally proud, petulant and Ignorant, and have the Common necessary Support of Government so much under their thumb

This Supriority, as I may term it, of the people over the p. 10
Government, seems Unaturall, and is I am sure repugnant to the very End for which Government was Instituted, Viz. An Authoritative Influence for the good order of Society.

I am in hopes, that the present Contest on this Subject with relation to New England, will so far be determined next Session of Parliament, as to Vindicate the rights of Government in Generall, and awe such as have not yet, thô they may be ready to play the New England Game; It would be Extreamly happy for your Ease and Quiet, should the Parliament in Some Vote or Law include all the Governments in the Plantations so far as to provide an Establishm^t Certain for the Support of the Several Governments; As I know not here how affairs of that nature do or may stand at home I shall give you a short Sketch of the footings on which, the Support of Government hath hitherto stood in this Province; Lord Cecilius had 12 pence p^r Hgd. During Life our Grandfather Lord Charles had the same, with the Additional Extension for and during the life of his Eldest Son Cecilius in case he p. 11
survived him, Viz. for their two Successive Lives. After the Revolution, when the Crown assumed the Governm^t; The 12 pence p^r Hgd. for Support of Government was by Act of Assembly taken away from our Grandfather, and Vested in the Crown, for that use for Ever; This was in 1692 Govr Copley's Time, after Various revisals and renewments of the Laws by Orders of the Crown, I find in Govr Seymours time, Viz. in Sept. 1704 was Enacted An Act, Entituled

An Act for Settlement of an Annuall Revenue on her Majesties Governour within this Province for the time being.

Whereas by An Act of Assembly &c formerly made &c. and so recites the Act for settling 2^s p^r Hgds on the Lord Proprietary Viz 1^s for acceptation of Rents in Tobacco at 2 pence

C. P. p^r pound, and 1^s p^r Hgd. for the Support of his Governm^t &c
By this Act, As the Government was out of his Lordships
p. 12 hands, they settle s^d 1^s p^r Hg^d (before Settled and Intended for the Support of Government) for the future to be levied and paid unto the Queen her heirs and Sucessors for the Support of her Government, for the time being in and over this Province.

This Law amongst many others, was in April 1715 whilst Mr Hart acted under the Crown revised and reenacted. By all this you will perceive that the Proprietary's had at least for life the 1^s p^r Hgd. for the Support of Government, and the Crown had a Settlement therein for Ever.

I now Come to the restoration of the Government to the Proprietary. Our fathers time was so short as not to Afford any transactions of this kind; When it Devolved on you, the Country found themselves engaged to pay their rents in Money according to the Patents, for the 1^s p^r Hgd. premium for Acceptance of Rents in Tobacco or 2 pence p^r pound, determined with our Grandfathers life. Therefore you and the Country negociated the Agreement which hitherto from time to time
p. 13 hath been renewd, Viz. 2^s p^r Hgd. in full lien of all Rents and fines; This being to be Confirmed and Established by Law, the Assembly Collected the Severall Imposts on Tobacco into one Law, and so by one United Act Settled, the 2^s for Rents and fines, the former 1^s for support of Governm^t to w^ch (having Enlarged the Gauge and Tare of Hogsheads) they Added 3 pence more, Viz. 15 pence in the whole. Now as herein was the Composition for y^r Rents, Ld Guilford doubtless thought it not proper to Confirm such Agreement for a longer time than your minority, That when you Came of Age, you might remain at full and Unquestionable Liberty to Continue, alter, or totally Dissolve such a Composition, Therefore was the Law pro tempore only and by it, the Revenue for the Support of Government; which used to be for longer Continuance as above related became as temporary as the Composition for Rents. An Error, whether Designd or not by the then Assembly, very mischievous in its Consequences to you at present.

p. 14 How this Inconvenience can now be avoided is worth Consideration, and I wish it may be found practicable; The reason of a more certain Settlement of the Support of Government, is in the Sense of all Sober people, confessedly with us, and the rule and Custom all Along in this province, seem to Evince it; but I fear little dependence is to be had, on the operation such reason may have in the minds of the Malevolent; But at all Adventures, I would recommend the taking the best advices, how it might behove us to proceed in Case

of a refusal to Support the Government, as usuall, How far C. P.
and wherein, the long Custom of 1s at the least for that Support, may Countenance a Constant Demand of the like for the future; Whether any, and what use may be made in your favour, of that Act of 1704. Settling 1s on the Queen Her Heirs and Successors for the Support of Her Government for the time being in this Province, whether by the Devolution of the Government to you, with other Rights and Adjuncts of Government, that 1s may in any Legal Sense be deemed to
have Devolved to you, or be invested in you to and for the p. 15
same Purposes; These Enquires, may amount to a good precaution against all Events

The next matter wherein the Interest of Proprietary and people, may seem to meet, or have any reference to Each other, is the Settlement and rights of the Severall Offices in Government; Long hath been the Contest about Officers Fees, which doth now so far affect your interest in your Officers that since yr Dissent to the Regulation made in 1725 the Officers are without an Execution for their fees, which makes them very ill paid to the no small loss of the Officers but really to a Disrepution and disreguard of their Offices, Since Every Insolent fellow thinks himself free to refuse paymt and Browbeat, as it were the Officers; And is besides a Continuall Bone of Contention, and a Specious Handle to amuse the Ignorant. It is too true that by the same reason an Abatement was made in 1725, they may Every three Years Exact a farther Abate-
ment, untill the Officers should by such repeated Abatemts be p. 16
reduced to the mean wages of the Commonest writing Clerks; For my part I should Imagine fees to be Due by Originall Right without an Establishmt by Law; And it is remarkable that the severall Laws made here relating to fees, have been stiled, Acts for the Limitation of Officers fees, and not for the giving or Granting them; How far reasonable or unreasonable the Regulation of 1719, the last you Agreed to, may be, I shall not enter into, being to be thought a party Concerned, but as Even that Regulation, is a Clipment from the Law of 1704, and that from one before that &c, I would deduce this reasoning, that if the fees twenty or Thirty years agoe were not thought unreasonable, the Law of 1719, which reduces them to much less cannot I think be Deemed so since the Country is doubtless much more able to Support Offices now, than in those Days. I shall now Beg the Liberty to recommend Some Queries to be Advised on.

1. Whether you have by the rights of your Charter Power
to Establish fees, where there is no Law to Ascertain or Limit p. 17
them.

C. P. 2dly If you have such a Power, in what manner may they be best regulated by such Power, and how can you Enable the Officers to Exact such fees Effectually.

3dly If your Charter may not warrant such a Power, whither must the Officers resort to, for a Settlement thereof certain and secure on the Assemblys refusall to confirm to them such fees, as they have hitherto Enjoy'd; or what Course can the Officers take to recover their fees.

4thly Whether, whilst there is no Law here for fees nor any other Certain Establishmt the Officers may not recover fees at Law According as they are Settled in the Courts of England by the Very Rule Lay'd down by these people, that the Laws of England are to take place, where our own are Silent. And in Generall How it may be possible and more Convenient to Come to Certainty in this Affair.

p. 18 The Consequence of some such Inquirys as these to the Honour and quiet of your Government seems very Evident; for wee here know not which way to turn ourselves in such nice and important matters. Wee can do no more then insist on yor regulation of 1719, pursuant to your Instruction, but that will not get us the fees, unless wee can be put into some method to Exact them, without the help of an Act of Assembly, which cannot easily be Obtained.

I have for this time done with Publick Affairs, wherein if I have tired your Patience, tho I hope I have not beyond Excuse trespassed on your goodness.

In your kind Letter of April 3d 1729 wherewth you favoured me, you order'd me to Acquaint Mr Lloyd, to remit to Capt Hyde for yr. use the Quota out of the Secretary's Office wch Mr Lowe used to have; before I saw Mr Lloyd after the receipt
p. 19 of yours, I received a Letter from Mr Beake wherein he Desired me, to send him a Copy of the Commission to him and Lowe, which is here recorded, Upon perusall whereof (in the Copy herein Inclosed) you will find the sd Office Granted to the Survivor of them, which being a transaction, so very early in your minority, I imagined you might possibly have forgot when you wrote your letter, and as Mr Beake by Desiring a Copy of the Commission, seems to have that Survivorship in View, and doubtless long agoe has apprized you of his thoughts that way, if he has that View, I thought it most convenient, to deferr Speaking to Mr Lloyd, untill I should receive yr further Commands therein which I will answer, will be time Enough for any payments he will make on that Score; I have sent Mr Beake a like Copy of the Commission, which in Common Civility was not to be refused, and Which being publick on record, might Easily have been had from any one Else.

I have heretofore mentioned the necessity of Resurveying C. P.
your Mannors, without which much of them will soon be lost; p. 20
many daily Incroach on them, and the Evidences that Can only prove bounded trees, as daily grow Old and Drop of; Your Orders to your Agent therein will I think be of the Utmost Consequence to y^r Landed Interest, and not for the Above reasons to be Delayd; Your Mannor of Pangayah is they say already Swallow'd up, for people pretend, that no one knows where to find it.

Ned Continues Very thin, and his Cough and Spitting very troublesome, I much fear the Approaching Winter will hardly relieve it.

The Cold Season is a relief to me; Wee have been lately up to Philadelphia on a Visit to Govr Gordon where wee were received in a particular Handsome manner, but I was Extreamly ill both there and in my whole Journey, since I Came home, I have had a Severe flux, but it has carried of
the Cholick, and with the Sharpness of the weather I begin p. 21
to have a little appetite, which for the Summer Six months I was an Utter stranger to, living that time I think in Continued Misery and pain, but as yet there are few things that will stay upon my stomach.

I beg leave to remind you of a matter, which by Mr Lowe's Death, possibly you may be a Stranger to, Viz. That after the Last hearing before the Attorney and Sollicitor Generall about the 3 Lower Counties, a Great many Papers of yours relating to that Dispute, were left for their Perusal and perhaps may Still be there.

Pursuant to your last powers given me I have Sworn Col Rider of the Councill, who I hope will give Satisfaction; I shall to the Utmost of my power recommend Such to that Board, as will be of most Credit and use to it, and follow your Advices thereto, as Close as possible; but believe me, such men as ought to be Chosen, are not Easily got, and few men Care for an Empty Honour attended with trouble without some recompense.

There is not places in the Government Sufficient for all, p. 22
and the Country refuse still to pay them Even for Attendance when Necessary;

It is in Vain now to Expect to gain the Country to do it; they say the 15 pence p^r Hgd. for the Support of Government, raises such a Considerable sum more than the Salary settled on the Govr that you Ought to pay y^r Councill out of it, if you think they Deserve any reward for their Attendance, and this is preachd with the more Spitefull View, that the Councill should think themselves Slighted by you, whilst you refuse to pay them for Attendance; They farther urge that the

[illegible] Council & Treasurer is paid by the Crown out of the Revenue for the Support of Government and that the Revenue raised here for Support of Government is greater than Ever it was before y[e] time. As to this last Assertion it is true that the Additional Power for the Support of Government is more than Equivalent for the Increase of the Gauge of Hides.

[illegible] I hope if Business you will favourably accept this rough Draught of y[e] Publick Affairs of y[e] Private Interest you will I suppose hear from others. My Weaknesses I doubt are many. but yet sure I am they cannot out number my Affections to your Service. For I am most Sincerely and entirely Devoted to you & [illegible]

Dearest Brother
Your Most Affectionate Brother
And Most Obliged Servant
Ben[t] Leon[d] Calvert

Annapolis
Oct 26th
1729.

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